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SENATE BILL 6693

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State of Washington

60th Legislature

2008 Regular Session

By Senators Weinstein, Hargrove, and Kohl-Welles; by request of Department of Labor & Industries

Read first time 01/22/08. Referred to Committee on Labor, Commerce, Research & Development.

1 AN ACT Relating to making changes to the factory assembled  
2 structures laws administered and enforced by the department of labor  
3 and industries; and amending RCW 43.22.340, 43.22.434, and 43.22.480.

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

5 **Sec. 1.** RCW 43.22.340 and 2005 c 399 s 2 are each amended to read  
6 as follows:

7 (1) The director shall adopt specific rules for conversion vending  
8 units and medical units. The rules for conversion vending units and  
9 medical units shall be established to protect the occupants from fire;  
10 to address other life safety issues; and to ensure that the design and  
11 construction are capable of supporting any concentrated load of five  
12 hundred pounds or more. Also, the director shall adopt specific rules  
13 concerning safety standards as necessary to implement subsection (3) of  
14 this section by January 1, 2006.

15 (2) The director of labor and industries shall adopt rules  
16 governing safety of body and frame design, and the installation of  
17 plumbing, heating, and electrical equipment in mobile homes, commercial  
18 coaches, recreational vehicles, and/or park trailers: PROVIDED, That  
19 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~~  
13 ~~vehicles, and~~) A119.5 for park trailers, and national fire protection  
14 association 1192 for recreational vehicles.

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

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

26 **Sec. 2.** RCW 43.22.434 and 2005 c 274 s 296 are each amended to  
27 read as follows:

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

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

1 (a) At reasonable times and without advance notice enter any  
2 factory, warehouse, or establishment in which manufactured and mobile  
3 homes, commercial coaches, conversion vending units, medical units,  
4 recreational vehicles, park trailers, factory built housing, and  
5 factory built commercial structures are manufactured, stored, or held  
6 for sale;

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

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

15 (3) For purposes of determining compliance with this chapter's  
16 permitting requirements for alterations of mobile and manufactured  
17 homes, the department may audit the records of a contractor as defined  
18 in chapter 18.27 RCW or RCW 18.106.020(1) or an electrical contractor  
19 as defined in RCW 19.28.006 when the department has reason to believe  
20 that a violation of the permitting requirements has occurred. The  
21 department shall adopt rules implementing the auditing procedures.  
22 Information obtained from a contractor through an audit authorized by  
23 this subsection is confidential and not open to public inspection under  
24 chapter 42.56 RCW.

25 (4)((+a)) The department shall set a schedule of fees by rule  
26 which will cover the costs incurred by the department in the  
27 administration of RCW 43.22.335 through 43.22.490. The department may  
28 waive mobile/manufactured home alteration permit fees for indigent  
29 permit applicants.

30 ~~((b)(i) Until April 1, 2009, subject to (a) of this subsection,~~  
31 ~~the department may adopt by rule a temporary statewide fee schedule~~  
32 ~~that decreases fees for mobile/manufactured home alteration permits and~~  
33 ~~increases fees for factory built housing and commercial structures plan~~  
34 ~~review and inspection services.~~

35 ~~(ii) Effective April 1, 2009, the department must adopt a new fee~~  
36 ~~schedule that is the same as the fee schedule that was in effect~~  
37 ~~immediately prior to the temporary fee schedule authorized in (b)(i) of~~

1 ~~this subsection. However, the new fee schedule must be adjusted by the~~  
2 ~~fiscal growth factors not applied during the period that the temporary~~  
3 ~~fee schedule was in effect.))~~

4 **Sec. 3.** RCW 43.22.480 and 1998 c 37 s 4 are each amended to read  
5 as follows:

6 (1) The department shall adopt and enforce rules that protect the  
7 health, safety, and property of the people of this state by assuring  
8 that all factory built housing or factory built commercial structures  
9 are structurally sound and that the plumbing, heating, electrical, and  
10 other components thereof are reasonably safe. The rules shall be  
11 reasonably consistent with recognized and accepted principles of safety  
12 and structural soundness, and in adopting the rules the department  
13 shall consider, so far as practicable, the standards and specifications  
14 ~~((contained in the uniform building, plumbing, and mechanical codes,~~  
15 ~~including the barrier free code and the Washington energy code))~~ as  
16 adopted by the state building code council pursuant to chapter 19.27A  
17 RCW, and the national electrical code, including the state rules as  
18 adopted pursuant to chapter 19.28 RCW and published by the national  
19 fire protection association or, when applicable, the temporary worker  
20 building code adopted under RCW 70.114A.081.

21 (2) The department shall set a schedule of fees which will cover  
22 the costs incurred by the department in the administration and  
23 enforcement of RCW 43.22.450 through 43.22.490.

24 (3) The director may adopt rules that provide for approval of a  
25 plan that is certified as meeting state requirements or the equivalent  
26 by a professional who is licensed or certified in a state whose  
27 licensure or certification requirements meet or exceed Washington  
28 requirements.

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