
SENATE BILL 5580

State of Washington

53rd Legislature

1993 Regular Session

By Senators Moore, Barr, McAuliffe, Vognild, Newhouse, Prentice, Prince, Amondson, Sutherland, Fraser, Winsley and von Reichbauer; by request of Department of Community Development

Read first time 02/04/93. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to regulation of manufactured housing construction
2 and safety; adding new sections to chapter 43.63A RCW; and prescribing
3 penalties.

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

5 NEW SECTION. **Sec. 1.** The director of the department of community
6 development shall enforce manufactured housing safety and construction
7 standards adopted by the secretary of housing and urban development
8 under the National Manufactured Housing Construction and Safety
9 Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426).
10 Furthermore, the director may make agreements with the United States
11 government, state agencies, or private inspection organizations to
12 implement the development and enforcement of applicable provisions of
13 this chapter and the National Manufactured Housing Construction and
14 Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426)
15 regarding the state administrative agency program.

16 NEW SECTION. **Sec. 2.** The department shall adopt all rules under
17 chapter 34.05 RCW necessary to implement chapter ..., Laws of 1993
18 (this act), giving due consideration to standards and regulations

1 adopted by the secretary of housing and urban development under the
2 National Manufactured Housing Construction and Safety Standards Act of
3 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426) for manufactured
4 housing construction and safety standards.

5 NEW SECTION. **Sec. 3.** The department shall adopt appropriate
6 hearing procedures under chapter 34.05 RCW for the holding of formal
7 and informal presentation of views, giving due consideration to hearing
8 procedures adopted by the secretary of housing and urban development
9 under the National Manufactured Housing Construction and Safety
10 Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426).

11 NEW SECTION. **Sec. 4.** (1) A person who violates any of the
12 provisions of the National Manufactured Housing Construction and Safety
13 Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426)
14 applicable to sections 1, 2, 3, and 5 of this act or any rules adopted
15 under sections 1, 2, 3, and 5 of this act is liable to the state of
16 Washington for a civil penalty of not to exceed one thousand dollars
17 for each such violation. Each violation of the provisions of the
18 National Manufactured Housing Construction and Safety Standards Act of
19 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426) applicable to sections
20 1, 2, 3, and 5 of this act or any rules adopted under sections 1, 2, 3,
21 and 5 of this act, shall constitute a separate violation with respect
22 to each manufactured home or with respect to each failure or refusal to
23 allow or perform an act required thereby, except that the maximum civil
24 penalty may not exceed one million dollars for any related series of
25 violations occurring within one year from the date of the first
26 violation.

27 (2) An individual or a director, officer, or agent of a corporation
28 who knowingly and willfully violates any of the provisions of sections
29 1, 2, 3, and 5 of this act or any rules adopted under sections 1, 2, 3,
30 and 5 of this act, in a manner that threatens the health or safety of
31 any purchaser, shall be fined not more than one thousand dollars or
32 imprisoned not more than one year, or both.

33 (3) Any legal fees, court costs, expert witness fees, and staff
34 costs expended by the state in successfully pursuing violators of
35 sections 1, 2, 3, and 5 of this act shall be reimbursed in full by the
36 violators.

1 NEW SECTION.

2 **Sec. 5.**

3 (1) The director or the director's
4 authorized representative shall conduct such inspections and
5 investigations as may be necessary to implement or enforce manufactured
6 housing rules adopted under the authority of this chapter or to carry
7 out the director's duties under this chapter.

8 (2) For the purposes of enforcement of this chapter, persons duly
9 designated by the director upon presenting appropriate credentials to
10 the owner, operator, or agent in charge shall:

11 (a) At reasonable times and without advance notice enter any
12 factory, warehouse, or establishment in which manufactured homes are
13 manufactured, stored, or held for sale; and

14 (b) At reasonable times, within reasonable limits, and in a
15 reasonable manner inspect any factory, warehouse, or establishment as
16 required to comply with the standards adopted by the secretary of
17 housing and urban development under the National Manufactured Housing
18 Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C.
19 Secs. 5401-5426). Each inspection shall be commenced and completed
20 with reasonable promptness.

21 (3) For the purpose of carrying out the provisions of this chapter,
22 the director or the director's authorized representative is authorized:

23 (a) To require, by general or special orders, any factory,
24 warehouse, or establishment in which manufactured homes are
25 manufactured, to file, in such form as prescribed, reports or answers
26 in writing to specific questions relating to any function of the
27 department under this chapter. Such reports and answers shall be made
28 under oath or otherwise, and shall be filed with the department within
29 such reasonable time periods as prescribed by the department; and

30 (b) To hold such hearings, take such testimony, sit and act at such
31 times and places, administer such oaths, and require, by subpoena or
32 otherwise, the attendance and testimony of such witnesses and the
33 production of such books, papers, correspondence, memorandums,
34 contracts, agreements, or other records, as the director or such
35 officer or employee deems advisable.

36 (4) In carrying out the inspections authorized by this section the
37 director shall establish by rule, under chapter 34.05 RCW, and impose
38 on manufactured home manufacturers, distributors, and dealers such
reasonable fees as may be necessary to offset the expenses incurred by
the director in conducting the inspections, provided these fees are set

1 in accordance with guidelines established by the United States
2 secretary of housing and urban development.

3 NEW SECTION. **Sec. 6.** The department of community development, to
4 defray the costs of printing, reprinting, or distributing printed
5 matter issued by the department of community development including, but
6 not limited to, the matters listed in sections 1 through 5 of this act,
7 may charge a fee for such publications in an amount that will reimburse
8 the department for the costs of printing, reprinting, and distributing
9 such publications: PROVIDED, That every person subject to regulation
10 by the department may upon request receive without charge one copy per
11 year of any publication pursuant to sections 1 through 5 of this act
12 whenever such person is affected by any statute, rule, or regulation
13 printed therein. All fees collected shall be deposited in the state
14 treasury to the credit of the appropriate fund or account.

15 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act are each
16 added to chapter 43.63A RCW.

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