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**SENATE BILL 6377**

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**State of Washington**

**55th Legislature**

**1998 Regular Session**

**By** Senators McCaslin, Patterson, Hale, T. Sheldon, Winsley, Snyder, Rasmussen, Prentice, Heavey, Sellar and Goings

Read first time 01/16/98. Referred to Committee on Financial Institutions, Insurance & Housing.

1 AN ACT Relating to mobile or manufactured homes; amending RCW  
2 43.63B.010, 43.63B.060, 35.63.110, 35A.63.100, 36.70.750, 46.70.011,  
3 18.85.010, 18.85.330, 82.45.032, 65.20.910, 43.22.440, 46.04.302, and  
4 65.20.020; adding new sections to chapter 43.63B RCW; adding a new  
5 section to chapter 36.70A RCW; creating new sections; and providing an  
6 effective date.

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

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**PART I**

9

**INSTALLER CERTIFICATION AMENDMENTS**

10 **Sec. 101.** RCW 43.63B.010 and 1994 c 284 s 15 are each amended to  
11 read as follows:

12 Unless the context clearly requires otherwise, the definitions in  
13 this section apply throughout this chapter.

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

16 (2) "Certified manufactured home installer" means a person who is  
17 in the business of installing mobile or manufactured homes and who has

1 been issued a certificate by the department as provided in this  
2 chapter.

3 (3) "Department" means the department of community, trade, and  
4 economic development.

5 (4) "Director" means the director of community, trade, and economic  
6 development.

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

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

13 (a) Construction of the foundation system;

14 (b) Installation of the support piers and earthquake resistant  
15 bracing system;

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

17 (d) Skirting;

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

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

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

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

30 (9) "Training course" means the education program administered by  
31 the department, or the education course administered by an approved  
32 educational provider, as a prerequisite to taking the examination for  
33 certification.

34 (10) "Approved educational provider" means an organization approved  
35 by the department to provide education and training of manufactured  
36 home installers.

37 NEW SECTION. Sec. 102. A new section is added to chapter 43.63B  
38 RCW to read as follows:

1 The department shall adopt rules to establish and administer a  
2 process of approving educational providers as an alternative to the  
3 department training course.

4 **Sec. 103.** RCW 43.63B.060 and 1994 c 284 s 20 are each amended to  
5 read as follows:

6 Any local government mobile or manufactured home installation  
7 application and permit shall state either the name and registration  
8 number of the contractor or licensed manufactured home dealer or the  
9 certification identification number of the certified manufactured home  
10 installer supervising such installation. A local government may not  
11 issue ((a permit to install)) final approval for the installation of a  
12 manufactured home unless((:(1) The installer submits a copy of the  
13 certificate of manufactured home installation to the local government;  
14 or (2) work is being performed that does not require a certified  
15 installer. When work must be performed by a certified manufactured  
16 home installer, no work may commence until)) the certified installer or  
17 the installer's agent has posted ((or otherwise made available, with  
18 the inspection record card)) at the set-up site((, a copy of the  
19 certified)) the manufactured home installer's ((certificate of))  
20 certification number and has identified the work being performed on the  
21 manufactured home installation on a form prescribed by the department.

22 NEW SECTION. **Sec. 104.** A new section is added to chapter 43.63B  
23 RCW to read as follows:

24 The department shall, by January 1, 1999, prepare a written  
25 training course and examination to be administered to all applicants  
26 for manufactured home inspector certification.

27 After December 1, 1999, a local government building inspector shall  
28 not inspect a manufactured home installation unless certified by the  
29 department. The department shall charge fees as provided in RCW  
30 43.63B.070.

31 **PART II**

32 **ZONING AMENDMENTS TO ALLOW MANUFACTURED**  
33 **HOMES IN ALL SINGLE-FAMILY ZONES**

34 NEW SECTION. **Sec. 201.** The legislature finds that limiting  
35 competition for housing types, manufacturing methods, and housing

1 designs stifles housing choices, arbitrarily reduces competition, and  
2 increases costs which in turn reduces housing affordability. These  
3 restrictions on the siting of manufactured housing go beyond  
4 regulations needed to adequately protect the life and safety of the  
5 citizens of the state. The legislature further finds that manufactured  
6 housing built to federal standards should not be prohibited or  
7 restrained beyond restraints or prohibitions placed on site-built  
8 single-family residences, either through personal or public  
9 restrictions, and that any such restrictions are contrary to the public  
10 policy of the state that encourages housing affordability and consumer  
11 choice absent restraint of trade by private or public entities.

12 The legislature recognizes that federal standards for manufactured  
13 housing supersedes state and local building and energy codes and that  
14 compliance with state or local building or energy codes as a  
15 requirement for issuing a permit for siting a manufactured housing unit  
16 may not be required as a condition for allowing manufactured homes in  
17 the state.

18 **Sec. 202.** RCW 35.63.110 and 1965 c 7 s 35.63.110 are each amended  
19 to read as follows:

20 For any or all of such purposes the council or board, on  
21 recommendation of its commission, may divide the municipality or any  
22 portion thereof into districts of such size, shape and area, or may  
23 establish such official maps, or development plans for the whole or any  
24 portion of the municipality as may be deemed best suited to carry out  
25 the purposes of this chapter and within such districts it may regulate  
26 and restrict the erection, construction, reconstruction, alteration,  
27 repair or use of buildings, structures, or land.

28 However, in any zoning district for single-family residences,  
29 single-family manufactured homes, as defined in RCW 43.63B.010, that  
30 are thermally equivalent to the state energy code, shall be sited on  
31 individual lots subject only to land use regulations applicable to all  
32 other single-family residences on individual lots in such districts.  
33 This section does not prevent the adoption of home design regulations  
34 to assure neighborhood compatibility provided such regulations apply  
35 equally to homes regulated under the state building code and  
36 manufactured homes as defined in RCW 43.63B.010.

1       **Sec. 203.** RCW 35A.63.100 and 1979 ex.s. c 170 s 8 are each amended  
2 to read as follows:

3       After approval of the comprehensive plan, as set forth above, the  
4 legislative body, in developing the municipality and in regulating the  
5 use of land, may implement or give effect to the comprehensive plan or  
6 parts thereof by ordinance or other action to such extent as the  
7 legislative body deems necessary or appropriate. Such ordinances or  
8 other action may provide for:

9       (1) Adoption of an official map and regulations relating thereto  
10 designating locations and requirements for one or more of the  
11 following: Streets, parks, public buildings, and other public  
12 facilities, and protecting such sites against encroachment by buildings  
13 and other physical structures.

14       (2) Dividing the municipality, or portions thereof, into  
15 appropriate zones within which specific standards, requirements, and  
16 conditions may be provided for regulating the use of public and private  
17 land, buildings, and structures, and the location, height, bulk, number  
18 of stories, and size of buildings and structures, size of yards,  
19 courts, open spaces, density of population, ratio of land area to the  
20 area of buildings and structures, setbacks, area required for off-  
21 street parking, protection of access to direct sunlight for solar  
22 energy systems, and such other standards, requirements, regulations,  
23 and procedures as are appropriately related thereto. The ordinance  
24 encompassing the matters of this subsection is hereinafter called the  
25 "zoning ordinance". No zoning ordinance, or amendment thereto, shall  
26 be enacted by the legislative body without at least one public hearing,  
27 notice of which shall be given as set forth in RCW 35A.63.070. Such  
28 hearing may be held before the planning agency or the board of  
29 adjustment or such other body as the legislative body shall designate.

30       However, in any zoning district for single-family residences,  
31 single-family manufactured homes, as defined in RCW 43.63B.010, that  
32 are thermally equivalent to the state energy code, shall be sited on  
33 individual lots subject only to land use regulations applicable to all  
34 other single-family residences on individual lots in such districts.  
35 This section does not prevent the adoption of home design regulations  
36 to assure neighborhood compatibility provided such regulations apply  
37 equally to homes regulated under the state building code and  
38 manufactured homes as defined in RCW 43.63B.010.

1 (3) Adoption of design standards, requirements, regulations, and  
2 procedures for the subdivision of land into two or more parcels,  
3 including, but not limited to, the approval of plats, dedications,  
4 acquisitions, improvements, and reservation of sites for public use.

5 (4) Scheduling public improvements on the basis of recommended  
6 priorities over a period of years, subject to periodic review.

7 (5) Such other matters as may be otherwise authorized by law or as  
8 the legislative body deems necessary or appropriate to effectuate the  
9 goals and objectives of the comprehensive plan or parts thereof and the  
10 purposes of this chapter.

11 **Sec. 204.** RCW 36.70.750 and 1963 c 4 s 36.70.750 are each amended  
12 to read as follows:

13 Any board, by ordinance, may establish classifications, within each  
14 of which, specific controls are identified, and which will:

15 (1) Regulate the use of buildings, structures, and land as between  
16 agriculture, industry, business, residence, and other purposes.

17 However, in any zoning district for single-family residences,  
18 single-family manufactured homes, as defined in RCW 43.63B.010, that  
19 are thermally equivalent to the state energy code, shall be sited on  
20 individual lots subject only to land use regulations applicable to all  
21 other single-family residences on individual lots in such districts.  
22 This subsection does not prevent the adoption of home design  
23 regulations to assure neighborhood compatibility provided such  
24 regulations apply equally to homes regulated under the state building  
25 code and manufactured homes as defined in RCW 43.63B.010;

26 (2) Regulate location, height, bulk, number of stories and size of  
27 buildings and structures; the size of yards, courts, and other open  
28 spaces; the density of population; the percentage of a lot which may be  
29 occupied by buildings and structures; and the area required to provide  
30 off-street facilities for the parking of motor vehicles.

31 NEW SECTION. **Sec. 205.** A new section is added to chapter 36.70A  
32 RCW to read as follows:

33 Any city or county that plans or elects to plan under this chapter  
34 must allow in any zoning district for single-family residences, single-  
35 family manufactured homes as defined in RCW 43.63B.010 that are  
36 thermally equivalent to the state energy code, to be sited on  
37 individual lots subject only to land use regulations applicable to all

1 other single-family residences on individual lots in such districts.  
2 This section does not prevent the adoption of home design regulations  
3 to assure neighborhood compatibility provided such regulations apply  
4 equally to homes regulated under the state building code and  
5 manufactured homes as defined in RCW 43.63B.010.

6 **PART III**

7 **REAL ESTATE BROKER AMENDMENTS**

8 **Sec. 301.** RCW 46.70.011 and 1996 c 194 s 1 are each amended to  
9 read as follows:

10 As used in this chapter:

11 (1) "Vehicle" means and includes every device capable of being  
12 moved upon a public highway and in, upon, or by which any persons or  
13 property is or may be transported or drawn upon a public highway,  
14 excepting devices moved by human or animal power or used exclusively  
15 upon stationary rails or tracks.

16 (2) "Motor vehicle" means every vehicle which is self-propelled and  
17 every vehicle which is propelled by electric power obtained from  
18 overhead trolley wires, but not operated upon rails, and which is  
19 required to be registered and titled under Title 46 RCW, Motor  
20 Vehicles.

21 (3) "Vehicle dealer" means any person, firm, association,  
22 corporation, or trust, not excluded by subsection (4) of this section,  
23 engaged in the business of buying, selling, listing, exchanging,  
24 offering, brokering, leasing with an option to purchase, auctioning,  
25 soliciting, or advertising the sale of new or used vehicles, or  
26 arranging or offering or attempting to solicit or negotiate on behalf  
27 of others, a sale, purchase, or exchange of an interest in new or used  
28 motor vehicles, irrespective of whether the motor vehicles are owned by  
29 that person. Vehicle dealers shall be classified as follows:

30 (a) A "motor vehicle dealer" is a vehicle dealer that deals in new  
31 or used motor vehicles, or both;

32 (b) A "mobile home and travel trailer dealer" is a vehicle dealer  
33 that deals in mobile homes, park trailers, or travel trailers, or more  
34 than one type of these vehicles;

35 (c) A "miscellaneous vehicle dealer" is a vehicle dealer that deals  
36 in motorcycles or vehicles other than motor vehicles or mobile homes  
37 and travel trailers or any combination of such vehicles.

1 (4) The term "vehicle dealer" does not include, nor do the  
2 licensing requirements of RCW 46.70.021 apply to, the following  
3 persons, firms, associations, or corporations:

4 (a) Receivers, trustees, administrators, executors, guardians, or  
5 other persons appointed by, or acting under a judgment or order of, any  
6 court; or

7 (b) Public officers while performing their official duties; or

8 (c) Employees of vehicle dealers who are engaged in the specific  
9 performance of their duties as such employees; or

10 (d) Any person engaged in an isolated sale of a vehicle in which he  
11 is the registered or legal owner, or both, thereof; or

12 (e) Any person, firm, association, corporation, or trust, engaged  
13 in the selling of equipment other than vehicles, subject to  
14 registration, used for agricultural or industrial purposes; or

15 (f) A real estate broker licensed under chapter 18.85 RCW, or his  
16 authorized representative, who, on behalf of (~~the legal or registered~~  
17 ~~owner of a used mobile home~~) another negotiates the purchase, sale,  
18 lease, or exchange of (~~the used~~) a manufactured or mobile home in  
19 conjunction with the purchase, sale, exchange, rental, or lease of the  
20 land upon which the (~~used~~) manufactured or mobile home is, or will  
21 be, located (~~and the real estate broker is not acting as an agent,~~  
22 ~~subagent, or representative of a vehicle dealer licensed under this~~  
23 ~~chapter~~)); or

24 (g) Owners who are also operators of the special highway  
25 construction equipment or of the highway construction equipment for  
26 which a vehicle license and display vehicle license number plate is  
27 required as defined in RCW 46.16.010; or

28 (h) Any bank, trust company, savings bank, mutual savings bank,  
29 savings and loan association, credit union, and any parent, subsidiary,  
30 or affiliate thereof, authorized to do business in this state under  
31 state or federal law with respect to the sale or other disposition of  
32 a motor vehicle owned and used in their business; or with respect to  
33 the acquisition and sale or other disposition of a motor vehicle in  
34 which the entity has acquired an interest as a lessor, lessee, or  
35 secured party.

36 (5) "Vehicle salesperson" means any person who for any form of  
37 compensation sells, auctions, leases with an option to purchase, or  
38 offers to sell or to so lease vehicles on behalf of a vehicle dealer.

1 (6) "Department" means the department of licensing, which shall  
2 administer and enforce the provisions of this chapter.

3 (7) "Director" means the director of licensing.

4 (8) "Manufacturer" means any person, firm, association,  
5 corporation, or trust, resident or nonresident, who manufactures or  
6 assembles new and unused vehicles or remanufactures vehicles in whole  
7 or in part and further includes the terms:

8 (a) "Distributor," which means any person, firm, association,  
9 corporation, or trust, resident or nonresident, who in whole or in part  
10 offers for sale, sells, or distributes any new and unused vehicle to  
11 vehicle dealers or who maintains factory representatives.

12 (b) "Factory branch," which means a branch office maintained by a  
13 manufacturer for the purpose of selling or offering for sale, vehicles  
14 to a distributor, wholesaler, or vehicle dealer, or for directing or  
15 supervising in whole or in part factory or distributor representatives,  
16 and further includes any sales promotion organization, whether a  
17 person, firm, or corporation, which is engaged in promoting the sale of  
18 new and unused vehicles in this state of a particular brand or make to  
19 vehicle dealers.

20 (c) "Factory representative," which means a representative employed  
21 by a manufacturer, distributor, or factory branch for the purpose of  
22 making or promoting for the sale of their vehicles or for supervising  
23 or contracting with their dealers or prospective dealers.

24 (9) "Established place of business" means a location meeting the  
25 requirements of RCW 46.70.023(1) at which a vehicle dealer conducts  
26 business in this state.

27 (10) "Principal place of business" means that dealer firm's  
28 business location in the state, which place the dealer designates as  
29 their principal place of business.

30 (11) "Subagency" means any place of business of a vehicle dealer  
31 within the state, which place is physically and geographically  
32 separated from the principal place of business of the firm or any place  
33 of business of a vehicle dealer within the state, at which place the  
34 firm does business using a name other than the principal name of the  
35 firm, or both.

36 (12) "Temporary subagency" means a location other than the  
37 principal place of business or subagency within the state where a  
38 licensed vehicle dealer may secure a license to conduct the business  
39 and is licensed for a period of time not to exceed ten days for a

1 specific purpose such as auto shows, shopping center promotions, tent  
2 sales, exhibitions, or similar merchandising ventures. No more than  
3 six temporary subagency licenses may be issued to a licensee in any  
4 twelve-month period.

5 (13) "Wholesale vehicle dealer" means a vehicle dealer who buys and  
6 sells other than at retail.

7 (14) "Retail vehicle dealer" means a vehicle dealer who may buy and  
8 sell at both wholesale and retail.

9 (15) "Listing dealer" means a used mobile home dealer who makes  
10 contracts with sellers who will compensate the dealer for obtaining a  
11 willing purchaser for the seller's mobile home.

12 (16) "Auction" means a transaction conducted by means of exchanges  
13 between an auctioneer and the members of the audience, constituting a  
14 series of oral invitations for offers for the purchase of vehicles made  
15 by the auctioneer, offers to purchase by members of the audience, and  
16 the acceptance of the highest or most favorable offer to purchase.

17 (17) "Auction company" means a sole proprietorship, partnership,  
18 corporation, or other legal or commercial entity licensed under chapter  
19 18.11 RCW that only sells or offers to sell vehicles at auction or only  
20 arranges or sponsors auctions.

21 (18) "Buyer's agent" means any person, firm, partnership,  
22 association, limited liability company, limited liability partnership,  
23 or corporation retained or employed by a consumer to arrange for or to  
24 negotiate, or both, the purchase of a new motor vehicle on behalf of  
25 the consumer, and who is paid a fee or receives other compensation from  
26 the consumer for its services.

27 (19) "New motor vehicle" means any motor vehicle that is self-  
28 propelled and is required to be registered and titled under Title 46  
29 RCW, has not been previously titled to a retail purchaser or lessee,  
30 and is not a "used vehicle" as defined under RCW 46.04.660.

31 **Sec. 302.** RCW 18.85.010 and 1997 c 322 s 1 are each amended to  
32 read as follows:

33 In this chapter words and phrases have the following meanings  
34 unless otherwise apparent from the context:

35 (1) "Real estate broker," or "broker," means a person, while acting  
36 for another for commissions or other compensation or the promise  
37 thereof, or a licensee under this chapter while acting in his or her  
38 own behalf, who:

1 (a) Sells or offers for sale, lists or offers to list, buys or  
2 offers to buy real estate or business opportunities, or any interest  
3 therein, for others;

4 (b) Negotiates or offers to negotiate, either directly or  
5 indirectly, the purchase, sale, exchange, lease, or rental of real  
6 estate or business opportunities, or any interest therein, for others;

7 (c) Negotiates or offers to negotiate, either directly or  
8 indirectly, the purchase, sale, or exchange of a (~~used~~) manufactured  
9 or mobile home in conjunction with the purchase, sale, exchange,  
10 rental, or lease of the land upon which the (~~used~~) manufactured or  
11 mobile home is, or will be, located;

12 (d) Advertises or holds himself or herself out to the public by any  
13 oral or printed solicitation or representation that he or she is so  
14 engaged; or

15 (e) Engages, directs, or assists in procuring prospects or in  
16 negotiating or closing any transaction which results or is calculated  
17 to result in any of these acts;

18 (2) "Real estate salesperson" or "salesperson" means any natural  
19 person employed, either directly or indirectly, by a real estate  
20 broker, or any person who represents a real estate broker in the  
21 performance of any of the acts specified in subsection (1) of this  
22 section;

23 (3) An "associate real estate broker" is a person who has qualified  
24 as a "real estate broker" who works with a broker and whose license  
25 states that he or she is associated with a broker;

26 (4) The word "person" as used in this chapter shall be construed to  
27 mean and include a corporation, limited liability company, limited  
28 liability partnership, or partnership, except where otherwise  
29 restricted;

30 (5) "Business opportunity" shall mean and include business,  
31 business opportunity and good will of an existing business or any one  
32 or combination thereof;

33 (6) "Commission" means the real estate commission of the state of  
34 Washington;

35 (7) "Director" means the director of licensing;

36 (8) "Real estate multiple listing association" means any  
37 association of real estate brokers:

1 (a) Whose members circulate listings of the members among  
2 themselves so that the properties described in the listings may be sold  
3 by any member for an agreed portion of the commission to be paid; and

4 (b) Which require in a real estate listing agreement between the  
5 seller and the broker, that the members of the real estate multiple  
6 listing association shall have the same rights as if each had executed  
7 a separate agreement with the seller;

8 (9) "Clock hours of instruction" means actual hours spent in  
9 classroom instruction in any tax supported, public technical college,  
10 community college, or any other institution of higher learning or a  
11 correspondence course from any of the aforementioned institutions  
12 certified by such institution as the equivalent of the required number  
13 of clock hours, and the real estate commission may certify courses of  
14 instruction other than in the aforementioned institutions; and

15 (10) "Incapacitated" means the physical or mental inability to  
16 perform the duties of broker prescribed by this chapter.

17 **Sec. 303.** RCW 18.85.330 and 1997 c 322 s 20 are each amended to  
18 read as follows:

19 (1) Except under subsection (4) of this section, it shall be  
20 unlawful for any licensed broker to pay any part of his or her  
21 commission or other compensation to any person who is not a licensed  
22 real estate broker in any state of the United States or its possessions  
23 or any province of the Dominion of Canada or any foreign jurisdiction  
24 with a real estate regulatory program.

25 (2) Except under subsection (4) of this section, it shall be  
26 unlawful for any licensed broker to pay any part of his or her  
27 commission or other compensation to a real estate salesperson not  
28 licensed to do business for such broker.

29 (3) Except under subsection (4) of this section, it shall be  
30 unlawful for any licensed salesperson to pay any part of his or her  
31 commission or other compensation to any person, whether licensed or  
32 not, except through his or her broker.

33 (4) A commission may be shared with a manufactured housing  
34 retailer, licensed under chapter 46.70 RCW, on the sale of personal  
35 property manufactured housing sold in conjunction with the sale or  
36 lease of land.

PART IV

TAXATION OF USED MANUFACTURED HOMES

**Sec. 401.** RCW 82.45.032 and 1993 sp.s. c 25 s 504 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Real estate" or "real property" means any interest, estate, or beneficial interest in land or anything affixed to land, including the ownership interest or beneficial interest in any entity which itself owns land or anything affixed to land. The term includes used mobile homes, used manufactured homes, used floating homes, and improvements constructed upon leased land.

(2) "Used mobile home" or "used manufactured home" means a mobile home or manufactured home which has been previously sold at retail and has been subjected to tax under chapter 82.08 RCW, or which has been previously used and has been subjected to tax under chapter 82.12 RCW(~~, and which has substantially lost its identity as a mobile unit at the time of sale by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe connections with sewer, water, and other utilities~~)).

(3) "Mobile home" means a (~~mobile home as defined by RCW 46.04.302, as now or hereafter amended~~) factory-built dwelling built prior to June 15, 1976, to standards other than the federal housing and urban development code, and acceptable under applicable state statutes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since introduction of the housing and urban development manufactured home construction and safety standards act. "Manufactured home" means a single-family dwelling built in accordance with the department of housing and urban development manufactured home construction and safety standards act, which is a national, preemptive building code.

(4) "Used floating home" means a floating home in respect to which tax has been paid under chapter 82.08 or 82.12 RCW.

(5) "Floating home" means a building on a float used in whole or in part for human habitation as a single-family dwelling, which is not designed for self propulsion by mechanical means or for propulsion by

1 means of wind, and which is on the property tax rolls of the county in  
2 which it is located.

3 **Sec. 402.** RCW 65.20.910 and 1989 c 343 s 15 are each amended to  
4 read as follows:

5 Nothing in this chapter shall be construed to affect the taxation  
6 of manufactured homes or eligibility of property for like kind trade-in  
7 as provided for in RCW 82.08.010(1).

8 **PART V**

9 **ALTERATIONS INSPECTIONS**

10 **Sec. 501.** RCW 43.22.440 and 1988 c 239 s 5 are each amended to  
11 read as follows:

12 (1) The legislature finds that inspections of ((mobile))  
13 manufactured home installation are not done on a consistent basis.  
14 ((Mobile)) Manufactured homes provide housing for many people in the  
15 state, and improperly installed ((mobile)) manufactured homes are a  
16 serious health and safety risk. Where possible and practical,  
17 ((mobile)) manufactured home((s)) installation should be treated the  
18 same as any housing inhabited or to be inhabited by persons in this  
19 state, including housing built according to the state building code.

20 (2) In consultation with the factory assembled structures advisory  
21 board for ((mobile)) manufactured homes, the director of labor and  
22 industries shall by rule establish uniform standards for the  
23 performance and workmanship of home installation ((service)),  
24 alterations, wood stove and fireplace installation, and warranty  
25 service by persons or entities engaged in performing the services  
26 within this state for all ((mobile)) manufactured homes, as defined in  
27 RCW 46.04.302. The standards shall conform, where applicable, with  
28 statutes, rules, and recommendations established under the federal  
29 national ((mobile)) manufactured home construction and safety standards  
30 act of 1974 (42 U.S.C. Sec. 5401 et seq.). These rules regarding the  
31 installation of ((mobile)) manufactured homes, alterations to wood  
32 stoves, and fireplaces in manufactured homes shall be enforced and fees  
33 charged by the counties and cities in the same manner the state  
34 building code is enforced under RCW 19.27.050. The standards required  
35 under this subsection shall be adopted by July 1, 1999.



1 have not been built since introduction of the housing and urban  
2 development manufactured home construction and safety standards act.

3 **PART VII**

4 **CLASSIFICATION OF MANUFACTURED HOMES--TITLE ELIMINATION**

5 **Sec. 701.** RCW 65.20.020 and 1989 c 343 s 2 are each amended to  
6 read as follows:

7 Unless the context clearly requires otherwise, the definitions in  
8 this section apply throughout this chapter.

9 (1) "Affixed" means that the manufactured home is installed in  
10 accordance with the installation standards in state law.

11 (2) "Department" means the department of licensing.

12 (3) "Eliminating the title" means to cancel an existing title  
13 issued by this state or a foreign jurisdiction or to waive the  
14 certificate of ownership required by chapter 46.12 RCW and recording  
15 the appropriate documents in the county real property records pursuant  
16 to this chapter.

17 (4) "Homeowner" means the owner of a manufactured home.

18 (5) "Land" means real property excluding the manufactured home.

19 (6) "Manufactured home" (~~(or "mobile home")~~) means a (~~(structure,~~  
20 ~~designed and constructed to be transportable in one or more sections~~  
21 ~~and is built on a permanent chassis and designed to be used as a~~  
22 ~~dwelling with or without a permanent foundation when connected to the~~  
23 ~~required utilities that include plumbing, heating, and electrical~~  
24 ~~systems contained therein. The structure must comply with the national~~  
25 ~~mobile home construction and safety standards act of 1974 as adopted by~~  
26 ~~chapter 43.22 RCW if applicable. "Manufactured home" does not include~~  
27 ~~a modular home. A structure which met the definition of a~~  
28 ~~"manufactured home" at the time of manufacture is still considered to~~  
29 ~~meet this definition notwithstanding that it is no longer~~  
30 ~~transportable)) single-family dwelling built in accordance with the  
31 department of housing and urban development manufactured home  
32 construction and safety standards act, which is a national, preemptive  
33 building code. "Mobile home" means a factory-built dwelling built  
34 prior to June 15, 1976, to standards other than the housing and urban  
35 development code, and acceptable under applicable state statutes in  
36 effect at the time of construction or introduction of the home into the  
37 state. Mobile homes have not been built since introduction of the~~

1 housing and urban development manufactured home construction and safety  
2 standards act.

3 (7) "Owner" means, when referring to a manufactured home that is  
4 titled, the person who is the registered owner. When referring to a  
5 mobile home that is untitled pursuant to this chapter, the owner is the  
6 person who owns the land. When referring to land, the person may have  
7 fee simple title, have a leasehold estate of thirty-five years or more,  
8 or be purchasing the property on a real estate contract. Owners  
9 include joint tenants, tenants in common, holders of legal life  
10 estates, and holders of remainder interests.

11 (8) "Person" means any individual, trustee, partnership,  
12 corporation, or other legal entity. "Person" may refer to more than  
13 one individual or entity.

14 (9) "Secured party" means the legal owner when referring to a  
15 titled mobile home, or the lender securing a loan through a mortgage,  
16 deed of trust, or real estate contract when referring to land or land  
17 containing an untitled manufactured home pursuant to this chapter.

18 (10) "Security interest" means an interest in property to secure  
19 payment of a loan made by a secured party to a borrower.

20 (11) "Title" or "titled" means a certificate of ownership issued  
21 pursuant to chapter 46.12 RCW.

22 **PART VIII**

23 **GENERAL PROVISIONS**

24 NEW SECTION. **Sec. 801.** This act takes effect July 1, 1998, but  
25 local governments have until January 1, 1999, to bring applicable local  
26 codes and ordinances into compliance with sections 101 through 104 of  
27 this act and sections 201 through 205 of this act.

28 NEW SECTION. **Sec. 802.** If any provision of this act or its  
29 application to any person or circumstance is held invalid, the  
30 remainder of the act or the application of the provision to other  
31 persons or circumstances is not affected.

32 NEW SECTION. **Sec. 803.** Part headings used in this act are not any  
33 part of the law.

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