

Chapter 296-150I WAC

MANUFACTURED HOME INSTALLER TRAINING AND CERTIFICATION PROGRAM

WAC

296-150I-0010	Authority, purpose, scope.
296-150I-0020	What definitions apply to this chapter?
296-150I-0030	What should the training program include?
296-150I-0040	Examination—Failure—Retaking.
296-150I-0050	What is the application process?
296-150I-0060	Manufactured home installer—Continuing education requirements.
296-150I-0070	Manufactured home installer certification renewal—Application process.
296-150I-0080	Installer certification—Revocation.
296-150I-0090	Requirement for applicable licenses and registrations.
296-150I-0100	Manufactured home on-site work and equipment installation—Manufactured home installer certification required.
296-150I-0110	Manufactured home installation, on-site work or equipment installation—Homeowner performing work on their own home—Exceptions.
296-150I-0120	Manufactured home installation permit and inspections—Obligation of certified installer.
296-150I-0130	Manufactured home installer—Responsibilities to the consumer.
296-150I-0140	Manufactured home installation—Installer certification tags required.
296-150I-0150	Installer certification tag—Issuance by local enforcement agency.
296-150I-0160	Installer certification tag—Placement—Removal.
296-150I-0170	Monthly certification tag report.
296-150I-0180	Alternative education providers—Approval process and compliance.
296-150I-0190	Legal action—Installer certification required.
296-150I-0200	How does the department ensure compliance with the requirements of chapter 43.22A RCW?
296-150I-0210	What violations of RCW 43.22A.130 can result in the issuance of a notice of infraction?
296-150I-0220	What information must be included in a notice of infraction?
296-150I-0230	Who can be issued a notice of infraction?
296-150I-0240	How does a person, firm, contractor, partnership, corporation or certified installer appeal a notice of infraction?
296-150I-0250	Who presides over an appeal hearing and where is it held?
296-150I-0260	Who will represent the appellant and the department at the appeal hearings?
296-150I-0270	How is the appeal hearing conducted?
296-150I-0280	What does the department do with the appeal notices that they receive?
296-150I-0290	When must a person, contractor, manufactured/mobile home dealer, manufacturer, or home dealer's or manufacturer's agent pay assessed monetary penalties?
296-150I-0300	Who establishes standards for installation of manufactured homes?
296-150I-0310	What instructions are used for a manufactured home installation?
296-150I-0320	How may I obtain a copy of the American National Standards Institute (ANSI) A225.1 - Manufactured Homes Installation?
296-150I-0330	What are the requirements for temporary placement of manufactured (mobile) homes?
296-150I-0340	Do local enforcement agencies have special requirements for installing manufactured homes in hazardous areas?
296-150I-0350	Who may install a manufactured home?
296-150I-0360	Does a person who installs a manufactured home need an installation permit?
296-150I-0370	Does a manufactured home installation require an inspection?
296-150I-0380	How does the local enforcement agency gain access to the manufacturer's installation instructions?

296-150I-0390	What are the requirements for on-site structures and who regulates them?
296-150I-0400	What happens if a dispute arises concerning an installation requirement?
296-150I-0410	What are the requirements if a home is damaged during transit or during set-up?
296-150I-3000	Penalties, fees, and refunds.

WAC 296-150I-0010 Authority, purpose, scope. This chapter is authorized by chapter 43.22A RCW, Mobile and manufactured home installation, which requires the department to train and certify manufactured home installers.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-150I-0010, filed 5/30/08, effective 6/30/08.]

WAC 296-150I-0020 What definitions apply to this chapter? (1) **"Administrative law judge"** is any person appointed by the chief administrative law judge (as defined in RCW 34.12.020(2)) to preside at a notice of infraction appeal hearing convened under chapter 43.22A RCW.

(2) **"Appeal hearing"** is any proceeding in which an administrative law judge is empowered to determine legal rights, duties or privileges of specific parties on behalf of the director.

(3) **"Appellant"** means any person, contractor, firm, partnership, corporation, or other entity that has filed an appeal.

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

(5) **"Compliance inspector"** refers to the departmental staff responsible for investigating potential violations of chapter 43.22A RCW.

(6) **"Contractor"** is as defined in chapters 18.27, 18.106, and 19.28 RCW.

(7) **"Department"** refers to the department of labor and industries.

(8) **"Extension of the pressure relief valve for the water heater"** means extension to the outside of the home as described in the Uniform Plumbing Code.

(9) **"Infraction"** means a violation of chapter 43.22A RCW as cited by the department's compliance inspectors.

(10) **"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.

(11) **"Manufactured/mobile home dealer"** is defined in chapter 46.70 RCW.

(12) **"Manufacturer"** refers to a manufacturer of single-family dwellings built according to the Department of Housing and Urban Development Manufactured Home Con-

struction and Safety Standards Act, which is a national, pre-emptive building code.

(13) **"Mobile or manufactured home installation"** as defined in RCW 43.22A.010 does not include installation of electrical wires and equipment that convey electrical power to the home or to an outlet in the home, and does not include the ground crossover. Installation of electrical wires and equipment that convey electrical power to the home or to an outlet in the home must be performed by a journeyman or specialty electrician as defined in chapter 19.28 RCW. Equipment does not include plug-in household appliances.

(14) **"Other equivalent experience"** means six months of hands-on experience installing manufactured homes under the guidance of a reputable, recognized manufactured home installer; or two years experience in residential or commercial construction.

(15) **"Site"** means the parcel of land designed to accommodate the dwelling and auxiliary structures.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-150I-0020, filed 5/30/08, effective 6/30/08.]

WAC 296-150I-0030 What should the training program include? The training program must include, but not be limited to, the following topics:

- Relevant federal, state and local laws and standards;
- Supports, footings, anchors, site preparation, placement, closing in, plumbing, electrical, combustion appliances, skirting, interior, and exterior finishing;
- Operational checks and adjustments;
- Auxiliary structures; and
- Alterations.

The department will provide a training manual to each applicant as part of the training program, the contents of which will include, but not be limited to, the above topics.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-150I-0030, filed 5/30/08, effective 6/30/08.]

WAC 296-150I-0040 Examination—Failure—Retaking. The examination must only include topics covered in the training program. In order to pass the examination, applicants must answer seventy percent of the questions correctly. An applicant who fails the examination will be permitted to retake the training course and/or the examination as often as is necessary to secure a passing rate of seventy percent.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-150I-0040, filed 5/30/08, effective 6/30/08.]

WAC 296-150I-0050 What is the application process? A person desiring to be certified as a manufactured home installer under chapter 43.22A RCW must submit a signed application form and fee specified in WAC 296-150I-3000 to the department, which contains the following information:

(1) The applicant's full name, date of birth, driver's license number or other government identification number, and Social Security number. Social Security numbers are required on applications for professional licenses pursuant to RCW 26.23.150 and federal law PL 104-193, The Personal

Responsibility and Work Opportunity Reconciliation Act of 1996.

(2) Written affidavit documenting evidence of experience as required under RCW 43.22A.040.

(3) Business name, phone number, and contractor registration number, if applicable. Status of applicant, i.e., owner or employee.

(4) Training/examination location and date preference.

(5) If the application is denied by the department as a result of the applicant's failure to meet the requirements of chapter 43.22A RCW and this chapter, the department will attempt to notify the applicant prior to the date the applicant is scheduled to attend the training and examination.

[Statutory Authority: Chapter 43.22A RCW and 2009 c 464 [564]. WSR 10-06-043, § 296-150I-0050, filed 2/23/10, effective 4/1/10. Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-150I-0050, filed 5/30/08, effective 6/30/08.]

WAC 296-150I-0060 Manufactured home installer—Continuing education requirements. Certified manufactured home installers must complete a minimum of four credit hours of continuing education every three years. The continuing education credit hours may be satisfied by attending an annual class offered by the department or a class offered by an alternative education provider approved by the department pursuant to chapter 296-150I WAC. All fees required by WAC 296-150I-3000 for continuing education classes must be paid to the department in advance.

(1) Continuing education class curriculum will include statute, code, or rule changes and common installation problems.

(2) If a certified installer is unable to attend the continuing education classes offered by the department or alternative education provider, the installer may attend a regularly scheduled installer certification training course.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-150I-0060, filed 5/30/08, effective 6/30/08.]

WAC 296-150I-0070 Manufactured home installer certification renewal—Application process. (1) A certified manufactured home installer desiring to renew certification as a manufactured home installer under chapter 43.22A RCW must file a certification renewal application with the department.

(2) The application must:

(a) Be received by the department on or before the installer's certification expiration date.

(b) Be accompanied by the certification renewal fee specified in WAC 296-150I-3000.

(3) If a certified installer fails to apply for renewal and provide proof of continuing education within ninety days prior to the expiration of the installer's current certification, the installer must reapply for installer certification and meet all requirements for installer certification as set forth in chapter 43.22A RCW and this chapter.

(4) Before a new certification is issued, the certified installer must provide proof to the department that the certified installer has met the continuing education requirements set forth in this chapter.

(5) The department will attempt to notify installers prior to expiration; however, it is the installer's responsibility to ensure timely renewal.

[Statutory Authority: Chapter 43.22A RCW and 2009 c 464 [564]. WSR 10-06-043, § 296-150I-0070, filed 2/23/10, effective 4/1/10. Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-150I-0070, filed 5/30/08, effective 6/30/08.]

WAC 296-150I-0080 Installer certification—Revocation. (1) The department will revoke an installer's certification if they receive three or more final infractions during their current three year certification period. The department will judge the installer to be incompetent of the state installation code. Revocation of the installer certification will be valid for two years from the effective date of the revocation.

(2) Where applicable, the department must send notice to the certificate holder's employer regarding revocation of an installer certification.

(3) A person may reapply for a manufactured home installer certification two years after the effective date of the revocation by submitting a completed application and payment for training and examination. Upon passing the written examination, a certificate of manufactured home installation will be issued.

[Statutory Authority: Chapter 43.22A RCW and 2009 c 464 [564]. WSR 10-06-043, § 296-150I-0080, filed 2/23/10, effective 4/1/10. Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-150I-0080, filed 5/30/08, effective 6/30/08.]

WAC 296-150I-0090 Requirement for applicable licenses and registrations. The issuance of a certificate of manufactured home installation by the department under chapter 43.22A RCW and these rules does not exempt the certified installer from compliance with any local, state, or federal requirements relative to any business or occupational licenses or registrations.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-150I-0090, filed 5/30/08, effective 6/30/08.]

WAC 296-150I-0100 Manufactured home on-site work and equipment installation—Manufactured home installer certification required. On-site work or equipment installation work which falls within the scope of installation as set forth in RCW 43.22A.010(6) shall not be performed on a manufactured home at any time after the initial installation of a manufactured home without the supervision of a certified manufactured home installer.

On-site work and equipment installation work shall not be performed until a permit for such work has been issued by the local enforcement agency. On-site work and equipment installation work must be inspected upon completion by the local enforcement agency in the same manner initial home installations are inspected.

On-site work and equipment installation work include, but are not limited to:

- (1) Releveling a home such as installing all new pier blocks or footings;
- (2) Complete skirting replacement;
- (3) Installing earthquake resistant bracing systems; and
- (4) Any other work described in RCW 43.22A.010(6).

(2/23/10)

On-site work and equipment installation work does not include routine maintenance or other routine repairs such as periodic adjustments to piers, replacement of a damaged pier, or skirting repair.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-150I-0100, filed 5/30/08, effective 6/30/08.]

WAC 296-150I-0110 Manufactured home installation, on-site work or equipment installation—Homeowner performing work on their own home—Exceptions. (1) The owner of a mobile or manufactured home may install or perform on-site work or equipment installation work on his or her own home without obtaining certification from the department as a certified manufactured home installer if the home is intended for use as the homeowner's primary residence.

(2) The installation, on-site work or equipment installation work must be performed in compliance with this chapter, Washington installation code.

(3) If the owner of a manufactured home hires any individual or business to assist the owner in the installation, on-site work, or equipment installation work, a certified installer is required to be on-site supervising such work and must meet all the requirements of this chapter.

(4) For the purposes of this chapter, an "owner" of a manufactured home does not include a manufactured home dealer, distributor, park owner or manager, contractor, or developer who installs or performs on-site work or equipment installation work on a manufactured home intended for resale or rental.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-150I-0110, filed 5/30/08, effective 6/30/08.]

WAC 296-150I-0120 Manufactured home installation permit and inspections—Obligation of certified installer. (1) If a certified installer obtains the manufactured home installation or placement permit from the local enforcement agency, the certified installer shall ensure that all required installation inspections, relative to the work performed by the certified installer, are completed.

(2) Installer certification requirements do not eliminate any requirements of chapter 18.27 RCW to become a registered contractor.

(3) An out-of-state mobile/manufactured home dealer who performs the set-up, installation, or repair work must be an active registered contractor. The mobile/manufactured home dealer must employ at least one certified installer to supervise the installation.

[Statutory Authority: Chapter 43.22A RCW and 2009 c 464 [564]. WSR 10-06-043, § 296-150I-0120, filed 2/23/10, effective 4/1/10. Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-150I-0120, filed 5/30/08, effective 6/30/08.]

WAC 296-150I-0130 Manufactured home installer—Responsibilities to the consumer. A certified manufactured home installer shall:

- (1) Ensure all phases of the installation work performed by the installer or crew being supervised are complete and in compliance with this chapter, Washington installation code;
- (2) Notify the local enforcement agency upon completion of the installation work; and

[Ch. 296-150I WAC p. 3]

(3) Correct all nonconforming aspects of the installation identified by the local enforcement agency or by an authorized representative of the department within thirty days of issuance of notice of the same.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-150I-0130, filed 5/30/08, effective 6/30/08.]

WAC 296-150I-0140 Manufactured home installation—Installer certification tags required. Prior to installing, performing on-site work or equipment installation work on a manufactured home, certified manufactured home installers or the retailers by whom they are employed must obtain an "installer certification tag" from the department or from the local enforcement agency who participates in tag sales. The installer certification tag shall be in the form approved by the department. No manufactured home may be installed by a certified installer without an installer certification tag affixed thereto. Only currently certified manufactured home installers shall be issued installer certification tags.

Homeowners performing the installation, on-site work or equipment installation work on their own manufactured home are not required to acquire and affix an installer certification tag.

(1) Installer certification tags may only be purchased by a certified manufactured home installer or by a manufactured home retailer licensed by Washington state department of licensing.

(a) The certified manufactured home installer or manufactured home retailer purchasing the installer certification tag is responsible for complying with the security, use, and reporting requirements of this chapter.

(b) Manufactured home retailers may purchase installer certification tags in bulk and issue them to certified manufactured home installers employed by the manufactured home retailer.

(2) In order to purchase installer certification tags, the certified manufactured home installer or manufactured home retailer shall submit an application to the department or local enforcement agency on a form approved by the department. The application shall be accompanied by the appropriate installer certification tag fee as set forth in WAC 296-150I-3000.

(3) The department or manufactured home retailer may issue a maximum of thirty certification tags to a certified manufactured home installer. A certified manufactured home installer may not have more than thirty installer certification tags issued at any one time for which the reporting requirements of this section have not been met.

(4) Installer certification tags cannot be transferred or assigned without the written approval of the department. Fees paid for installer certification tags are not refundable.

(a) If a certified manufactured home installer's certification is suspended, revoked, or expires, all unused installer certification tags assigned to the certified manufactured home installer must be returned to the department.

(b) If a certified manufactured home installer or manufactured home retailer ceases to do business, all unused installer certification tags must be returned to the department.

(c) If a manufactured home retailer changes ownership, unused installer certification tags may be transferred to the

new ownership if the department approves the transfer following receipt of a written request for transfer from the manufactured home retailer.

(5) Issuance of installer certification tags may be denied if:

(a) The certified manufactured home installer's certification has been revoked or suspended pursuant to chapter 43.22A RCW;

(b) The certified manufactured home installer has failed to comply with the reporting requirements of this chapter;

(c) The department has evidence that the certified manufactured home installer has misused the installer certification tag by not complying with the requirements of this chapter;

(d) The certified manufactured home installer possesses installer certification tags in excess of the quantity authorized by subsection (3) of this section for which the reporting requirements of this chapter have not been met; or

(e) The certified manufactured home installer is not an active registered contractor or an employee of a manufactured home retailer or active registered contractor licensed in Washington.

[Statutory Authority: Chapter 43.22A RCW and 2009 c 464 [564]. WSR 10-06-043, § 296-150I-0140, filed 2/23/10, effective 4/1/10. Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-150I-0140, filed 5/30/08, effective 6/30/08.]

WAC 296-150I-0150 Installer certification tag—Issuance by local enforcement agency. A local enforcement agency may issue installer certification tags to certified manufactured home installers if:

(1) The local enforcement agency has entered into an agreement with the department to issue installer certification tags on a "per installation" basis;

(2) The local enforcement agency has verified that the certified installer is qualified to purchase an installer certification tag under the requirements of this chapter; and

(3) The local enforcement agency must file with the department a monthly report complying with the requirements of WAC 296-150I-0170.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-150I-0150, filed 5/30/08, effective 6/30/08.]

WAC 296-150I-0160 Installer certification tag—Placement—Removal. (1) The installer certification tag must be placed on the home upon completion of the installation and prior to inspection by the local enforcement agency.

(2) The installer certification tags must be placed on the end of a home section directly above or below the HUD certification tag or temporarily located in plain sight within three feet of the home's front entry.

(3) The local enforcement agency may not issue final approval of a home installation until one or more installer certification tags have been affixed to the home indicating all installation work was performed by a certified manufactured home installer.

EXCEPTION: Installation work performed by a homeowner on his or her own residence does not require an installer certification tag.

(4) The installer certification tag must be removed only by the owner of the home following final approval of the installation of the home by the local enforcement agency.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-1501-0160, filed 5/30/08, effective 6/30/08.]

WAC 296-1501-0170 Monthly certification tag report. Certified manufactured home installers and manufactured home retailers who purchase installer certification tags from the department must submit a monthly report to the department on a form approved by the department relative to all installer certification tags issued.

(1) The report is due no later than the **15th day of each month** following the month of installation work being performed on a home. A certification tag report is not required for those months in which no installation work was performed.

(2) A manufactured home retailer who assigns tags to a certified manufactured home installer is responsible for ensuring completion of the monthly report. The manufactured home retailer must file a separate report for each certified manufactured home installer to whom the manufactured home retailer assigned installer certification tag(s).

(3) The installer certification tag report must contain the following information for each installation:

- (a) The installer certification tag number;
- (b) The address of the installation;
- (c) The date of the installation;
- (d) The name and certification number of the certified manufactured home installer; and
- (e) Any other information required by the department.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-1501-0170, filed 5/30/08, effective 6/30/08.]

WAC 296-1501-0180 Alternative education providers—Approval process and compliance. Pursuant to RCW 43.22A.060, the department may approve education providers to offer the certification training and/or continuing education required by RCW 43.22A.050, 43.22A.070 and this chapter. The factory assembled structures board will review each installer training course and will recommend approval or disapproval of the course to the department. The department will either approve or disapprove the course.

(1) To be considered for approval, an installer certification course must:

- Consist of not less than twelve hours of instruction for new applicants;
- Consist of not less than four hours for continuing education; and
- Be open to monitoring by a representative of the department.

If the department determines that the continuing education course does not meet or exceed the minimum requirements for approval, the department may deny the course approval or reduce the number of credited hours.

(2) The education provider must submit to the department a written proposal including the following:

- (a) The education and experience of proposed instructors;
 - (b) A detailed description of course content and materials; and
 - (c) The proposed course schedule.
- (3) All instructors identified by the education providers must meet the following requirements:

(a) Two years' experience in one or more of the following areas:

- (i) Supervising manufactured home installation, service, or repair;
- (ii) Design, engineering, or architectural work related to building construction;
- (iii) Inspecting manufactured home installation or construction for a local, state, or federal agency;
- (iv) Completion of a two-year educational program in a construction-related field; or
- (v) A combination of any of the above to meet the two-year requirement; and

(b) Complete the department-sponsored training and pass the certification exam with a score of ninety percent or higher.

(4) The curriculum proposed by the education provider must meet or exceed the department-sponsored training curriculum.

(5) The department must provide the education service provider written notice of approval or rejection as an alternative education service provider within sixty days of submittal of the complete proposal.

(6) All approved alternative education providers must:

- (a) Make all necessary arrangements (scheduling class dates/times and facilities) and provide all educational materials for the classes presented;

(b) Provide to the department a list of participants within ten days of each class;

(c) Provide to the participant a certificate of completion. Each certificate must indicate:

- (i) The name of participant;
- (ii) The date of training;
- (iii) A statement indicating the participant has completed the training as required by chapter 43.22A RCW.

(7) The alternative education provider must notify the department in writing fourteen days prior to the scheduled class date of the date, time and location of each class. Department representatives must be permitted to audit any class without fee.

(8) Curriculum changes must be submitted to and approved by the department prior to implementation.

(9) If the application is not approved, the rejection notice will include an explanation of the reason(s) for rejection. If the course sponsor disagrees with the board's decision, the course sponsor may request a reconsideration hearing by the full factory assembled structures advisory board. A request to appeal course rejection must be received by the department forty-five days before a regularly scheduled board meeting.

The course sponsor must submit, to the department, any additional information to be considered during the hearing, in writing, at least thirty days before the board hearing.

The course sponsor must provide at least twenty copies of any written information to be submitted to the board.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-1501-0180, filed 5/30/08, effective 6/30/08.]

WAC 296-1501-0190 Legal action—Installer certification required. No person may file a lien against a homeowner, or bring or maintain in any court of this state a suit or action, that seeks compensation for the performance of any work requiring certification under chapter 43.22A RCW or

for the breach of any contract for installation work which is subject to chapter 43.22A RCW unless:

(1) The manufactured home installer was certified under chapter 43.22A RCW at the time the installer entered into contract for performance of the work and was certified continuously while performing the work for which compensation is sought; or

(2) The supervising manufactured home installer was the employee of the contractor or retailer seeking compensation and was certified under chapter 43.22A RCW continuously during performance of the work for which compensation is sought.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-150I-0190, filed 5/30/08, effective 6/30/08.]

WAC 296-150I-0200 How does the department ensure compliance with the requirements of chapter 43.22A RCW? The department of labor and industries will ensure installers comply with the requirements of RCW 43.22A.130 which requires a certified manufactured/mobile home installer to be present for each phase of the installation being performed by all members of the installation crew by:

- (1) Random site inspections; and
- (2) Audit of installers certification tag reports.

The certified installer must enter their Washington installer certification number on the installer tag for each element they are supervising.

[Statutory Authority: Chapter 43.22A RCW and 2009 c 464 [564]. WSR 10-06-043, § 296-150I-0200, filed 2/23/10, effective 4/1/10. Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-150I-0200, filed 5/30/08, effective 6/30/08.]

WAC 296-150I-0210 What violations of RCW 43.22A.130 can result in the issuance of a notice of infraction? (1) Under RCW 43.22A.130, the department can issue a notice of infraction to a person, contractor, manufactured/mobile home dealer, manufacturer, or home dealer's or manufacturer's agent for:

- (a) Failure to have a certified installer on the installation site whenever installation work is being performed;
- (b) Failure to correct all nonconforming aspects of the installation identified by the local enforcement agency or by an authorized representative of the department within thirty days of issuance of notice of the same;
- (c) Failure by a certified installer to affix a certification tag to an installed manufactured/mobile home;
- (d) Transfer of certification tag(s) from a certified installer to another certified installer without prior written approval of the department;
- (e) Transfer of certification tag(s) from a certified installer to a noncertified installer;
- (f) Transfer of unused installer certification tags by a manufactured home retailer to a new ownership without prior written approval of the department.

(2) Each worksite and day at which a violation occurs constitutes a separate infraction.

(3) See WAC 296-150I-3000 for the specific monetary penalties associated with each of the violations discussed in this section.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-150I-0210, filed 5/30/08, effective 6/30/08.]

WAC 296-150I-0220 What information must be included in a notice of infraction? When an installer violates chapter 43.22A RCW, the department may issue a notice of infraction which must contain the following:

(1) The department shall prescribe the form of the notice of infraction issued under this chapter.

(2) The notice of infraction must include the following:

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

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

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

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

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

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

(g) A statement that failure to respond to a notice of infraction is a misdemeanor and may be punished by a fine or imprisonment in jail.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-150I-0220, filed 5/30/08, effective 6/30/08.]

WAC 296-150I-0230 Who can be issued a notice of infraction? A person, firm, contractor, partnership, or corporation may be issued a notice of infraction for violations of chapter 43.22A RCW and this chapter.

The department must send the written notice, by certified mail, of civil penalties imposed under chapter 43.22A RCW and this chapter to the last known address of the party named in the notice.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-150I-0230, filed 5/30/08, effective 6/30/08.]

WAC 296-150I-0240 How does a person, firm, contractor, partnership, corporation or certified installer appeal a notice of infraction? (1) File two copies of an appeal notice, specifying the reasons for the appeal, at the office designated on the notice of infraction; and

(2) File the appeal notice within twenty days of the date the infraction is mailed.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-150I-0240, filed 5/30/08, effective 6/30/08.]

WAC 296-150I-0250 Who presides over an appeal hearing and where is it held? An administrative law judge from the office of administrative hearings will preside over the hearing and give a decision. The hearing shall be conducted in the county where the infraction occurred. However, both the appellant and the department have a right to ask the administrative law judge to change the hearing's location.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-1501-0250, filed 5/30/08, effective 6/30/08.]

WAC 296-1501-0260 Who will represent the appellant and the department at the appeal hearings? Appellants may either represent themselves or be represented by an attorney. The department will be represented by the office of the attorney general.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-1501-0260, filed 5/30/08, effective 6/30/08.]

WAC 296-1501-0270 How is the appeal hearing conducted? The hearing process shall be conducted according to chapter 34.05 RCW, Administrative Procedure Act and chapter 10-08 WAC. All appeals of the hearing decision shall be to the superior court according to chapter 34.05 RCW.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-1501-0270, filed 5/30/08, effective 6/30/08.]

WAC 296-1501-0280 What does the department do with the appeal notices that they receive? (1) Appeal notices that are received timely are first reviewed by the department for purposes of reconsideration.

(2) Appeal notices that are not received timely will be returned to the appellant with appeal rights stated.

(3) Appeal notices that are received timely and are not reconsidered according to subsection (1) of this section are recorded and forwarded to the office of the attorney general, then to the office of administrative hearings.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-1501-0280, filed 5/30/08, effective 6/30/08.]

WAC 296-1501-0290 When must a person, contractor, manufactured/mobile home dealer, manufacturer, or home dealer's or manufacturer's agent pay assessed monetary penalties? (1) If a person, contractor, manufactured/mobile home dealer, manufacturer, or home dealer's or manufacturer's agent named in a notice of infraction does not choose to appeal the notice, then the person, contractor, manufactured/mobile home dealer, manufacturer, or home dealer's or manufacturer's agent must pay the department the amount of the penalty prescribed for the infraction.

(2) After an administrative law judge decides that an infraction has been committed, a person, contractor, manufactured/mobile home dealer, manufacturer, or home dealer's or manufacturer's agent who does not appeal the decision to a superior court has thirty days to pay any outstanding monetary penalties.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-1501-0290, filed 5/30/08, effective 6/30/08.]

WAC 296-1501-0300 Who establishes standards for installation of manufactured homes? (1) The director of labor and industries is responsible for establishing uniform installation standards where possible and practical for persons or entities engaged in performing the installation of manufactured homes within the state.

(2) Local jurisdictions may adopt additional installation requirements only for those installation situations not covered by federal standards. For example, local jurisdictions may impose noise control construction ordinances, prescribe

the frost depth and soil bearing capacity at the installation site, and adopt requirements to protect manufactured homes in hazardous areas (see WAC 296-1501-0310).

Also, local jurisdictions may impose their requirements for snow loads as long as all structures within their jurisdiction are required to comply with the same standard and provided those installing the manufactured home are given options in satisfying that standard. Such an option might include, but not be limited to, allowing an installer to erect an additional structure, which meets local standards, and protects the manufactured home. For example, an installer could erect a free standing ramada over a manufactured home to protect it from local snow loads.

Local jurisdictions **may not**:

(a) Dictate foundation design and construction which is built according to either the manufacturer's installation instructions or a design created by an engineer or architect licensed in Washington state.

(b) Impose regulations on smoke detectors because they are regulated by federal standards.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-1501-0300, filed 5/30/08, effective 6/30/08.]

WAC 296-1501-0310 What instructions are used for a manufactured home installation? To the extent that the installation of a manufactured home is not covered by a manufacturer's, engineer's, or architect's instructions, the manufactured home shall comply with the installation requirements of this section.

(1) Installation of a new manufactured home.

(a) The initial manufactured home installation must be conducted according to the manufacturer's instructions.

(b) If the manufacturer's instructions do not address an aspect of the installation, you may request:

(i) Specific instructions from the manufacturer; or

(ii) Specific instructions from a professional engineer or architect licensed in Washington state.

For example:

- A manufactured home is installed over a basement and the manufacturer's instructions do not address this application;

- A manufactured home is installed on a site where the specific soil bearing capacity is not addressed in the manufacturer's instructions.

(c) All manufactured homes installed in Washington state must be permanently anchored except for those installed on dealer lots. On dealer lots, temporary sets are permitted without anchoring being installed. A manufactured home must be anchored according to the manufacturer's installation instructions or according to the design of a professional engineer or architect licensed in Washington state. Local jurisdictions **may not** prescribe anchoring methods.

(d) A manufactured home must have a skirting around its entire perimeter. It must be installed per the manufacturer's installation instructions or if the manufacturer is not specific, to the standards in this section. Do not enclose with skirting areas under recessed entries, porches or decks, (whether constructed as part of the home or added on-site) unless skirting is of the fully vented type and installed so as to allow water to freely flow out from under the home. Porch areas open to the crawl space area of the home must have ground cover

removed; ground directly below the porch must slope away from the home. It must be vented and allow access to the under floor area per the manufacturer's installation instructions or per the standards below if the manufacturer's instructions are not available.

If the manufacturer's skirting and access instructions are not specific, skirting, ventilation and access shall be installed as follows:

(i) Skirting:

- Must be made of materials suitable for ground contact.
- Metal fasteners must be made of galvanized, stainless steel or other corrosion-resistant material.
- Ferrous metal members in contact with the earth, except those made of galvanized or stainless steel, must be coated with an asphaltic emulsion.
- Must not trap water between the skirting and siding or trim.
- Must be recessed behind the siding or trim.

(ii) Ventilation:

For homes sited in a flood plain, contact the local jurisdiction regarding proper skirting ventilation. Except for those manufactured homes sited in a flood plain, all skirting and vent openings must:

- Be covered with corrosion-resistant wire mesh to prevent the entrance of rodents. The size of the mesh opening cannot exceed 1/4 inch.
- Have a net area of not less than one square foot for each one hundred fifty square feet of under floor area.
- Be located as close to corners and as high as practical and they must provide cross ventilation on at least two opposite sides.

(iii) Access:

- The under floor area of a manufactured home must have a finished opening at least eighteen inches by twenty-four inches in size.
- Opening must be located so that all areas under a manufactured home are available for inspection.
- Opening must be covered and that cover must be made of metal, pressure treated wood or vinyl.

(e) A manufactured home site must be prepared per the manufacturer's installation manual or per ANSI A225.1, 1994 edition, section 3.

(f) Heat duct crossovers must be installed per the manufacturer's installation instruction manual or per ANSI A225.1 or the following instructions if the manufacturer's instructions are not available:

Heat duct crossovers must be supported at least one inch above the ground by strapping or blocking. They must be installed to avoid standing water. Also, they must be installed to prevent compression, sharp bends, and to minimize stress at the connections.

(g) Dryer vents must exhaust to the exterior side of the wall or skirting. Dryer ducts outside the manufactured home shall comply with the dryer manufacturer's specifications or shall be made of metal with smooth interior surfaces.

(h) Hot water tank pressure relief lines must exhaust to the exterior side of the exterior wall or skirting and must exhaust downward. The end of the pipe must be at least six inches but not more than two feet above the ground.

(i) Water heater pans are only required where the installation instructions are specific for warranty or the home was

produced after June 2006. The pressure relief line must exit the skirting of the home as well as the relief line for any pan installed and not to be interconnected.

(ii) Expansion tanks are not required by the department; however, you may want to check with your local jurisdiction prior to installation of your water heater.

(i) Water piping must be protected against freezing as per the manufacturer's installation instructions or by use of a heat tape listed for use with manufactured homes and installed per the heat tape manufacturer's installation instructions.

(j) The testing of water lines, waste lines, gas lines, and electrical systems must be as per the manufacturer's installation instructions. If the manufacturer's installation instructions require testing of any of these systems, the local jurisdiction is responsible for verifying that the tests have been performed and passed. Electrical connections and testing are the responsibility of the electrical section of labor and industries except where a city has assumed the electrical inspection responsibilities for their jurisdiction. In that case, the city's electrical inspectors are responsible for the electrical connections and testing.

(k) During the installation process, a ground cover must be installed under all manufactured homes. The ground cover must be a minimum of six-mil **black** polyethylene sheeting or its equivalent (exception to ANSI A225.1 (3.5.2)). The ground cover may be omitted if the under floor area of the home has a concrete slab floor with a minimum thickness of three and one-half inches.

(l) Clearances underneath manufactured homes must be maintained at a minimum of eighteen inches beneath at least seventy-five percent of the lowest member of the main frame (I-beam or channel beam) and the ground or footing. No more than twenty-five percent of the lowest member of the main frame of the home shall be less than eighteen inches above the ground or footing. In no case shall clearance be less than twelve inches anywhere under the home (exception to ANSI A225.1 (4.1.3.3)).

(m) Heat pump and air conditioning condensation lines must be extended to the exterior of the manufactured home.

(2) Installation of a relocated manufactured (mobile) home.

(a) A relocated manufactured home installation should be conducted according to the manufacturer's installation instructions.

(b) If the manufacturer's instructions are unavailable, you may use either:

(i) The American National Standard Institute (ANSI) standard ANSI A225.1 - Manufactured Homes Installation, 1994 edition instructions; or

(ii) The instructions of a professional engineer or architect licensed in Washington state.

(c) If either (b)(i) or (ii) of this subsection is used, all of the requirements of subsection (1)(c) through (m) of this section must also be followed.

[Statutory Authority: Chapter 43.22A RCW and 2009 c 464 [564]. WSR 10-06-043, § 296-150I-0310, filed 2/23/10, effective 4/1/10. Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-150I-0310, filed 5/30/08, effective 6/30/08.]

WAC 296-1501-0320 How may I obtain a copy of the American National Standards Institute (ANSI) A225.1 - Manufactured Homes Installation? Contact the department at 1-800-647-0982.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-1501-0320, filed 5/30/08, effective 6/30/08.]

WAC 296-1501-0330 What are the requirements for temporary placement of manufactured (mobile) homes? Manufactured (mobile) homes placed on temporary display or in storage by a manufacturer, dealer or distributor in excess of thirty days shall be:

(1) Supported under each main frame beam by supports located within two feet of each end and within four feet of the front and rear axle and other supports so that no span shall exceed sixteen feet; and

(2) Made weather tight at any marriage line joint at the roof and wall lines.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-1501-0330, filed 5/30/08, effective 6/30/08.]

WAC 296-1501-0340 Do local enforcement agencies have special requirements for installing manufactured homes in hazardous areas? (1) Local enforcement agencies may have special installation requirements for manufactured homes installed in hazardous areas.

(2) A hazardous area is:

(a) An area recognized as a flood plain by the local jurisdiction; or

(b) An area considered hazardous due to the probability of earthquake. In such areas, local jurisdictions may require an earthquake resistant bracing system designed for the earthquake zone in which the home is located by the home manufacturer or by a registered professional engineer or architect.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-1501-0340, filed 5/30/08, effective 6/30/08.]

WAC 296-1501-0350 Who may install a manufactured home? (1) A manufactured home may be installed by:

- A homeowner;
- A certified installer;
- An individual who is supervised by an on-site certified installer; or
- A specialty trades person, such as a plumber or electrician, for certain aspects of installation.

(2) A certified installer must be a registered contractor, an employee of a registered contractor, or an employee of a registered dealership. (See chapter 43.22A RCW for details about which aspects of installation require the presence of a certified installer.)

[Statutory Authority: Chapter 43.22A RCW and 2009 c 464 [564]. WSR 10-06-043, § 296-1501-0350, filed 2/23/10, effective 4/1/10. Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-1501-0350, filed 5/30/08, effective 6/30/08.]

WAC 296-1501-0360 Does a person who installs a manufactured home need an installation permit? (1) A dealer, owner or agent must not deliver a manufactured home to its site without verifying that an installation permit has been obtained; and

(2/23/10)

(2) Any permit fees set by the local enforcement agency must be paid in full and included with the permit application.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-1501-0360, filed 5/30/08, effective 6/30/08.]

WAC 296-1501-0370 Does a manufactured home installation require an inspection? All manufactured home installations must be inspected and approved by the local enforcement agency.

Local enforcement agencies may enter into interagency agreements with the department to perform on-site installation inspections on behalf of the authority having jurisdiction (AHJ). A permit must be purchased with the department for these inspections.

[Statutory Authority: Chapter 43.22A RCW and 2009 c 464 [564]. WSR 10-06-043, § 296-1501-0370, filed 2/23/10, effective 4/1/10. Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-1501-0370, filed 5/30/08, effective 6/30/08.]

WAC 296-1501-0380 How does the local enforcement agency gain access to the manufacturer's installation instructions? A manufacturer's installation manual must be provided for the inspecting jurisdiction whenever any portions of the manufacturer's installation instructions have been used for any portion of the installation.

(1) The installation instructions must be located between the I-beam and the bottom board within five feet of the main electrical feeder when the skirting has not been installed.

(2) When the skirting has been installed, the installation instructions shall be located between the I-beam and the bottom board within five feet of the access opening.

(3) Instructions must be returned to such location when the inspection is completed.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-1501-0380, filed 5/30/08, effective 6/30/08.]

WAC 296-1501-0390 What are the requirements for on-site structures and who regulates them? On-site structures, sometimes referred to as auxiliary structures, such as, but not limited to, carports, decks, and steps should be self-supporting.

(1) Local enforcement agency jurisdiction.

(a) On-site self-supporting structures that do not use any of the systems in the manufactured home are inspected by the local enforcement agency and they should be contacted for specific on-site structure requirements.

(b) Awnings and carports that are self-supported by a beam next to a manufactured (mobile) home are inspected by the local enforcement agency.

Note: The awning or carport may be flashed to the manufactured (mobile) home.

(2) Department of labor and industries jurisdiction.

(a) On-site structures that are not self-supporting or use one or more of the systems of the manufactured home require an inspection by the department and by the local enforcement agency.

(b) Awnings and carports that are attached to the manufactured (mobile) home without the benefit of a self-supporting beam require approval and inspection by the department.

Note: This attachment must be designed and approved by an engineer or an architect licensed in Washington state. Furthermore, these stamped plans must be submitted to the department and approved before an inspection can be conducted.

(c) Attached garages:

(i) If the manufactured (mobile) home is built "garage ready" (one hour fire wall, dormer, etc.) at the factory **and** is installed by the manufacturer, an alteration inspection may not be required.

(ii) If the manufactured (mobile) home is not built "garage ready" at the factory, an alteration inspection is required for all changes made to it.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-150I-0390, filed 5/30/08, effective 6/30/08.]

WAC 296-150I-0400 What happens if a dispute arises concerning an installation requirement? (1) If a dispute arises between any person, business, or local enforcement agency concerning an installation requirement of ANSI A225.1 or this chapter, the issue may be submitted to the factory assembled structures advisory (FAS) board.

(2) The board may provide an opinion on the requirement.

[Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-150I-0400, filed 5/30/08, effective 6/30/08.]

WAC 296-150I-0410 What are the requirements if a home is damaged during transit or during set-up? (1) Manufactured and mobile homes that are structurally damaged during transportation or when being set up on a new or secondary set-up and are repaired at a location other than the manufacturer's facility shall require an approval with labor and industries.

The repair and inspection shall be performed to either:

(a) Plans approved by the manufacturer's design approval primary inspection agency; or

(b) Plans approved by an engineer or architect licensed in Washington and have the plans approved by the FAS plan review section;

(2) Electrical and plumbing alterations to the damaged manufactured/mobile home shall be performed by a Washington state licensed electrician and/or plumber.

EXCEPTIONS: Damaged home is taken back to the factory.

Minor damage such as shingles, broken window(s), paint damage, minor siding damage, torn bottom paper etc., would not require a permit.

[Statutory Authority: Chapter 43.22A RCW and 2009 c 464 [564]. WSR 10-06-043, § 296-150I-0410, filed 2/23/10, effective 4/1/10. Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-150I-0410, filed 5/30/08, effective 6/30/08.]

WAC 296-150I-3000 Penalties, fees, and refunds. Monetary penalties for an infraction shall be assessed for each violation of chapter 43.22A RCW in the amount of \$1,000.00.

The following fees are payable to the department in advance:

Training and certification	\$260.00
Training only 10 hours	\$130.00

Manufactured/mobile home installation inspector training	\$130.00
Refund	\$26.00
Certification renewal	\$130.00
Continuing education class	\$52.00
Retake failed examination and training	\$39.00
Manufactured home installer training manual	\$13.00
Installer certification tag	\$9.10

(1) The department shall refund fees paid for training and certification or certification renewal as a manufactured home installer if the application is denied for failure of the applicant to comply with the requirements of chapter 43.22A RCW or these rules.

(2) If an applicant has paid fees to attend training or to take an examination and is unable to attend the scheduled training or examination, the applicant may:

(a) Change to another scheduled training and examination; or

(b) Request a refund.

(3) An applicant who fails the examination shall not be entitled to a refund.

[Statutory Authority: Chapter 43.22A RCW and 2009 c 464 [564]. WSR 10-06-043, § 296-150I-3000, filed 2/23/10, effective 4/1/10. Statutory Authority: Chapter 43.22A RCW and 2007 c 432. WSR 08-12-040, § 296-150I-3000, filed 5/30/08, effective 6/30/08.]