

HOUSE BILL REPORT

ESHB 1688

As Passed House
March 12, 1993

Title: An act relating to manufactured housing installation.

Brief Description: Installing manufactured homes.

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

Brief History:

Reported by House Committee on:
Trade, Economic Development & Housing, March 2, 1993,
DPS;
Appropriations, March 6, 1993, DPS(TEH-A APP);
House Second Reading, March 11, 1993;
Passed House, March 12, 1993, 56-42.

HOUSE COMMITTEE ON TRADE, ECONOMIC DEVELOPMENT & HOUSING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Wineberry, Chair; Shin, Vice Chair; Campbell; Conway; Morris; Quall; Sheldon; Springer; and Valle.

Minority Report: Do not pass. Signed by 5 members: Representatives Forner, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Casada; Schoesler; and Wood.

Staff: Charlie Gavigan (786-7340).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Trade, Economic Development & Housing be substituted therefor and the substitute bill as amended by Committee on Appropriations do pass. Signed by 17 members: Representatives Locke, Chair; Valle, Vice Chair; Carlson, Assistant Ranking Minority Member; Ballasiotes; Basich; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Rust; Sommers; Wineberry; and Wolfe.

Minority Report: Do not pass. Signed by 6 members: Representatives Silver, Ranking Minority Member; Cooke; Sehlin; Sheahan; Stevens; and Talcott.

Staff: Nancy Stevenson (786-7137).

Background: It is a violation of the state Consumer Protection Act if a contractor, manufactured home dealer, or manufactured home manufacturer improperly installs a manufactured home which: (1) causes a health and safety risk to the occupants of the manufactured home; or (2) severely hinders the use and enjoyment of the manufactured home.

Although there are penalties for the improper installation of a manufactured home, there is no training or certification required for a person to install a manufactured home.

Summary of Bill: A certification program for manufactured home installers is established in the Department of Community Development. After July 1, 1994, except for a person installing his or her own manufactured home, no manufactured home may be installed without a certified manufactured home installer being on the installation site. It is a violation for a manufactured home dealer or manufacturer to engage an uncertified person to install a manufactured home. At least one certified manufactured home installer must be on the installation site.

Persons who wish to be certified to install manufactured homes must apply to the Department of Community Development. The applicant must demonstrate sufficient experience in, as well as demonstrated general knowledge of, manufactured home installation. The director of the Department of Community Development reviews applications for certification and determines which applicants are eligible to take the training course and examination for certification. Any applicants for certification after July 1, 1995, must provide written evidence of six months of experience under the direct supervision of a certified manufactured home installer. Before July 1, 1995, the department shall require applicants to provide evidence of experience in lieu of the experience under the supervision of a certified installer.

The department must prepare an examination to test the applicant's general knowledge of the technical information and practical procedures necessary for installing manufactured homes, applicable federal and state laws relating to manufactured homes, and local government regulations related to manufactured home installations. A certificate of manufactured home installation is renewable

every three years. The department shall determine the continuing education that is necessary for renewal of the certificate. If a person fails to renew the certificate by the renewal date, the person must retake the examination. The department shall charge fees for the issuance, renewal, and reinstatement of all certificates, and for the training courses and examinations required for certification. The fees may only be used to cover the full costs of administering and enforcing the program. Fees are to be deposited into the general fund.

A certificate of manufactured home installation may be revoked by the Department of Community Development if: the certificate was obtained through fraud or error; the holder is found to be incompetent as a result of multiple violations of the state Installation Code; the holder's bond has expired, exhausted, or terminated; or the holder has violated a statute or rule implementing the certification law. The holder of a certificate must be given written notice of the intent to revoke the certificate, which includes the right to request a hearing on the revocation. All hearings are conducted in accordance with the Administrative Procedures Act.

An authorized representative, including a local building official, may investigate violations and inspect sites at which manufactured home installation work is being performed. Procedures are established for the issuance and appeals of infractions. Each day in which a person improperly engages in the installation of manufactured homes is a separate infraction. Each worksite at which a person improperly engages in the installation of manufactured homes is a separate infraction. Infractions are heard and determined under the Administrative Procedures Act. If a person is found to have committed an infraction, a monetary penalty of \$1,000 is assessed.

Fiscal Note: Requested March 7, 1993.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: (Trade, Economic Development & Housing)
Improper installation of manufactured homes can cause significant problems for the consumer and can also hurt the industry. This bill requires that persons who are in the business of installing manufactured homes have a minimum amount of training and bear some responsibility for their installation work.

(Appropriations) Improper installation of manufactured homes can cause significant problems for the consumer and can also

hurt the industry. The certification program is self-supported through fees.

Testimony Against: (Trade, Economic Development & Housing) None.

(Appropriations) None.

Witnesses: (Trade, Economic Development & Housing) Representative Tom Campbell, prime sponsor (supports); Ron Clarke, Washington Manufactured Housing Association (supports); Corine Foster, Department of Community Development (neutral), and Mike McSorley, Washington State Energy Office (neutral).

(Appropriations) Ron Clarke, Washington Manufactured Housing Association, (supports).