

HOUSE BILL REPORT

HB 1329

As Passed Legislature

Title: An act relating to monetary penalties imposed for infractions relating to mobile and manufactured home installation.

Brief Description: Modifying monetary penalties imposed for infractions relating to mobile and manufactured home installation.

Sponsors: Representatives McCabe, Sells and Young; by request of Department of Labor & Industries.

Brief History:

Committee Activity:

Labor & Workplace Standards: 1/26/17, 1/30/17 [DP].

Floor Activity:

Passed House: 2/15/17, 97-0.

Passed Senate: 3/30/17, 49-0.

Passed Legislature.

Brief Summary of Bill

- Replaces the mandatory penalty of \$1,000 for each infraction of the mobile and manufactured home installation requirements with a discretionary penalty not to exceed \$1,000.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 7 members: Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Doglio, Frame and Pike.

Staff: Joan Elgee (786-7106) and Alex Arkfeld (786-7290).

Background:

A certified installer must install or supervise the installation of a mobile or manufactured home. The certified installer must ensure compliance with the manufacturer's instructions

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and is required to supervise all necessary on-site installation work, including the construction of the foundation system and the installation of the support piers. A certified installer need not supervise a homeowner performing work on his or her primary residence or receiving unpaid help from friends and family. A certified installer is also not required to supervise certain specified activities, such as site preparation and carpet installation. By rule, a certified installer must purchase an installer certification tag identifying the installer, attach the tag to the mobile or manufactured home on which the installer works, and submit monthly reports to the Department of Labor and Industries (Department).

The Department trains, or approves other providers to train, and certifies mobile and manufactured home installers. An applicant for certification must have prior experience, attend a 10-hour training course, pass an examination, and pay program fees. Certification expires after three years but a certified installer may renew, for a fee, if he or she has satisfied all continuing education requirements.

The Department ensures compliance with installation requirements by inspecting sites and auditing reports. The Department may issue an infraction notice for committing specified violations, including the following, to:

- an individual or contractor who installs a mobile or manufactured home without certification or proper supervision;
- an installer who fails to attach an installer certification tag after performing work; and
- an installer who gives his or her installer certification tag to an uncertified installer, or an installer who gives his or her tag to a certified installer without Department approval.

Each worksite at which, and each day on which, a violation occurs constitutes a separate infraction, and the Department is required to impose a \$1,000 penalty for each infraction notice. An administrative law judge may waive, reduce, or suspend this penalty.

Summary of Bill:

The monetary penalty for violating the mobile and manufactured home installation requirements is changed from a mandatory \$1,000 penalty per infraction notice to a discretionary penalty. The Department of Labor and Industries must set a penalty schedule through rulemaking, ranging from \$250 for a first infraction up to \$1,000 for subsequent infractions.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The bill makes it easier to do business with the Department of Labor and Industries. It lowers fines and fees and provides an opportunity to educate rather than

punish. This bill provides flexibility to the agency and is good for everybody. It will keep affordable housing affordable.

(Opposed) None.

Persons Testifying: Representative McCabe, prime sponsor; Tammy Fellin, Department of Labor and Industries; and Craig Hillis, Manufactured Housing Communities of Washington.

Persons Signed In To Testify But Not Testifying: None.