

SENATE BILL REPORT

HB 1329

As Passed Senate, March 30, 2017

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

Committee Activity: Commerce, Labor & Sports: 3/09/17 [DP].

Floor Activity:

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

Brief Summary of Bill

- Replaces the mandatory penalty of \$1,000 for each infraction related to the mobile and manufactured home installation requirements with a discretionary penalty of \$250 for the first infraction and not more than \$1,000 for subsequent infractions.
- Requires the Department of Labor and Industries to make rules setting a schedule of penalties.

SENATE COMMITTEE ON COMMERCE, LABOR & SPORTS

Majority Report: Do pass.

Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway, Hasegawa, Saldaña and Wilson.

Staff: Susan Jones (786-7404)

Background: Mobile Home and Manufactured Home Installation. The Mobile Home and Manufactured Home Installation laws ensure that all mobile and manufactured homes are installed by a certified manufactured home installer in accordance with the state installation code to provide greater consumer protections and make the warranty requirement easier to

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achieve. The Department of Labor and Industries (L&I) perform the functions that are required for purposes of complying with the Federal Department of Housing and Urban Development for Manufactured Housing regulations. L&I enforces manufactured housing safety and construction standards adopted by the Secretary of Housing and Urban Development under the National Manufactured Housing Construction and Safety Standards Act.

Certification Requirements. To become a certified manufactured home installer, an applicant must apply to L&I and L&I must review the information and make a determination about whether the applicant is eligible to take the training course and examination. An applicant must furnish written evidence of six months of experience under the direct supervision of a certified manufactured home installer, or other equivalent experience, in order to be eligible to take the training course and examination. L&I must issue a certificate of manufactured home installation to an applicant who has taken the training course, passed the examination, paid the fees, and meets all other qualifications.

Violations and Notices of Infraction. L&I can issue a notice of infraction for:

- failure to have a certified installer on the installation site when installation work is being performed;
- failure to correct all nonconforming aspects of the installation identified by a local enforcement agency or L&I within 30 days of issuance of the notice;
- failure by a certified installer to affix a certification tag to an installed manufactured/mobile home;
- the transfer of certification tags from a certified installer to another certified installer without L&I's prior written approval;
- the transfer of certification tags from a certified installer to a noncertified installer; or
- the transfer of unused installer certification tags by a manufactured home retailer to a new ownership without L&I's prior written approval.

There is a \$1,000 penalty for an infraction. Each worksite and day on which a violation occurs constitutes a separate infraction. Each day in which a person engages in the installation of manufactured homes in violation of this law is a separate infraction. Each worksite where a person engages in the trade of manufactured home installation in violation of the laws is a separate infraction. It is a violation for any contractor, manufactured home dealer, manufacturer, or home dealer's or manufacturer's agent to engage any person to install a manufactured home who is not certified.

Summary of Bill: A person who committed an infraction may be assessed a \$250 penalty for the first infraction and not more than \$1,000 for a second or subsequent infraction. L&I must set by rule a schedule of monetary penalties for infractions imposed under Mobile Home and Manufactured Home Installation chapter.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: No public hearing was held.

Persons Testifying: N/A.

Persons Signed In To Testify But Not Testifying: N/A.