CERTIFICATION OF ENROLLMENT

**SENATE BILL 5089**

68th Legislature

2023 Regular Session

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| Passed by the Senate January 25, 2023  Yeas 49 Nays 0  **President of the Senate**  Passed by the House March 24, 2023  Yeas 96 Nays 0  **Speaker of the House of Representatives** | CERTIFICATE  I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5089** as passed by the Senate and the House of Representatives on the dates hereon set forth.  Secretary |
| Approved |  |
| **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

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**SENATE BILL 5089**

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Passed Legislature - 2023 Regular Session

**State of Washington 68th Legislature 2023 Regular Session**

**By** Senators King, Rolfes, and J. Wilson; by request of Department of Labor & Industries

AN ACT Relating to making changes to factory assembled structures, manufactured or mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and park trailers requirements, including adding board members to the factory assembled structures advisory committee; amending RCW 43.22.420, 43.22A.010, 43.22A.020, 43.22A.080, 43.22A.110, 43.22A.120, 43.22A.140, and 43.22.495; and reenacting and amending RCW 43.22A.005.

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

**Sec.**  RCW 43.22.420 and 2001 c 335 s 2 are each amended to read as follows:

There is hereby created a factory assembled structures advisory board consisting of ((~~nine~~)) at least 11 members to be appointed by the director of labor and industries. It shall be the purpose and function of the board to advise the director on all matters pertaining to the enforcement of this chapter including but not limited to standards of body and frame design, construction and plumbing, heating and electrical installations, minimum inspection procedures, the adoption of rules pertaining to the manufacture of factory assembled structures, manufactured homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and park trailers. The advisory board shall periodically review the rules adopted under RCW 43.22.450 through 43.22.490 and shall recommend changes of such rules to the department if it deems changes advisable.

The members of the advisory board shall be representative of consumers, the regulated industries, and allied trades and professionals. When appointing members, the director must consider the gender, racial, ethnic, and geographic diversity of the state, including the interests of persons with disabilities. The term of each member shall be four years and members must apply for reappointment if terms would be consecutive. However, the director may appoint the initial members of the advisory board to staggered terms not exceeding four years.

The chief inspector or any person acting as chief inspector for the factory assembled structures, manufactured or mobile home, commercial coach, conversion vending units, medical units, recreational vehicle, and park trailer section shall serve as secretary of the board during his tenure as chief. Meetings of the board shall be called at the discretion of the director of labor and industries, but at least quarterly. Each member of the board shall be paid travel expenses in accordance with RCW 43.03.050 and 43.03.060 which shall be paid out of the appropriation to the department of labor and industries, upon vouchers approved by the director of labor and industries or his or her designee.

**Sec.**  RCW 43.22A.005 and 1994 c 284 s 14 are each reenacted and amended to read as follows:

The purpose of this chapter is to ensure that all ((~~mobile and~~)) manufactured and mobile homes are installed by a certified manufactured home installer in accordance with the state installation ((~~code~~)) requirements, chapter ((~~296-150B~~)) 296-150I WAC, in order to provide greater protections to consumers and make the warranty requirement of RCW 46.70.134 easier to achieve.

**Sec.**  RCW 43.22A.010 and 2007 c 432 s 3 are each amended to read as follows:

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

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

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

(3) "Department" means the department of labor and industries.

(4) "Director" means the director of labor and industries.

(5) "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.

(6) "((~~Mobile or manufactured~~)) Manufactured or mobile home installation" means all on-site work necessary for the ((~~installation~~)) setting up and completion of a manufactured or mobile home, ((~~including:~~

~~(a) Construction of the foundation system;~~

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

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

~~(d) Skirting;~~

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

~~(f) Extension of the pressure relief valve for the water heater~~)) starting with the preparation of the building site through the final permit approval.

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

(8) "Mobile home" means a factory-built dwelling built prior to June 15, 1976, to standards other than the HUD code, and acceptable under applicable state codes 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 HUD manufactured home construction and safety standards act.

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

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

**Sec.**  RCW 43.22A.020 and 2007 c 432 s 1 are each amended to read as follows:

Beginning on July 1, 2007, the department shall perform all the consumer complaint and related functions of the state administrative agency that are required for purposes of complying with the regulations established by the federal department of housing and urban development for manufactured housing, including the preparation and submission of the state administrative plan.

The department may enter into state or local interagency agreements to coordinate site inspection activities with record monitoring and complaint handling. The interagency agreement may also provide for the reimbursement for cost of work that an agency performs. The department may include other related areas in any interagency agreements which are necessary for the efficient provision of services.

((~~The department of community, trade, and economic development shall transfer all records, files, books, and documents necessary for the department to assume these new functions.~~

~~The directors of community, trade, and economic development and of labor and industries shall immediately take such steps as are necessary to ensure that chapter 432, Laws of 2007 is implemented on July 1, 2007.~~))

**Sec.**  RCW 43.22A.080 and 2011 c 301 s 11 are each amended to read as follows:

(1) The department may revoke a certificate of manufactured home installation upon the following grounds:

(a) The certificate was obtained through error or fraud;

(b) The holder of the certificate is judged to be incompetent as a result of multiple infractions of the state installation ((~~code~~)) requirements, WAC ((~~296-150B-200 through 296-150B-255~~)) 296-150I-0300 through 296-150I-0410; or

(c) The holder has violated a provision of this chapter or a rule adopted to implement this chapter.

(2) Before a certificate of manufactured home installation is revoked, the holder must be given written notice of the department's intention to revoke the certificate, sent using a method by which the mailing can be tracked or the delivery can be confirmed to the holder's last known address. The notice shall enumerate the allegations against the holder, and shall give the holder the opportunity to request a hearing. At the hearing, the department and the holder may produce witnesses and give testimony. The hearing shall be conducted in accordance with the provisions of chapter 34.05 RCW.

**Sec.**  RCW 43.22A.110 and 1998 c 124 s 8 are each amended to read as follows:

Any local government ((~~mobile or~~)) manufactured or mobile home installation application and permit shall state either the name and registration number of the contractor or licensed manufactured home dealer or the certification identification number of the certified manufactured home installer supervising such installation. A local government may not issue final approval for the installation of a manufactured home unless the certified installer or the installer's agent has posted at the set-up site the manufactured home installer's certification number and has identified the work being performed on the manufactured home installation on a form prescribed by the department.

**Sec.**  RCW 43.22A.120 and 1994 c 284 s 16 are each amended to read as follows:

After July 1, 1995, a ((~~mobile or~~)) manufactured or mobile home may not be installed without a certified manufactured home installer providing on-site supervision whenever installation work is being performed. The certified manufactured home installer is responsible for the reading, understanding, and following ((~~[of]~~)) of the manufacturer's installation instructions and performance of noncertified workers engaged in the installation of the home. There shall be at least one certified manufactured home installer on the installation site whenever installation work is being performed.

A manufactured home installer certification shall not be required for:

(1) Site preparation;

(2) Sewer and water connections outside of the building site;

(3) Specialty trades that are responsible for constructing accessory structures such as garages, carports, and decks;

(4) Pouring concrete into forms;

(5) Painting and dry wall finishing;

(6) Carpet installation;

(7) Specialty work performed within the scope of their license by licensed plumbers or electricians. This provision does not waive or lessen any state regulations related to licensing or permits required for electricians or plumbers;

(8) A ((~~mobile or~~)) manufactured or mobile homeowner performing installation work on their own home; and

(9) A manufacturer's ((~~mobile~~)) home installation crew installing a ((~~mobile or~~)) manufactured or mobile home sold by the manufacturer except for the on-site supervisor.

Violation of this section is an infraction.

**Sec.**  RCW 43.22A.140 and 1994 c 284 s 24 are each amended to read as follows:

An authorized representative may investigate alleged or apparent violations of this chapter. Upon presentation of credentials, an authorized representative, including a local government building official, may inspect sites at which manufactured home installation work is undertaken to determine whether such work is being done under the supervision of a certified manufactured home installer and conforms with the state installation requirements. Upon request of the authorized representative, a person performing manufactured home installation work shall identify the person holding the certificate issued by the department in accordance with this chapter.

**Sec.**  RCW 43.22.495 and 2007 c 432 s 7 are each amended to read as follows:

Beginning on July 1, 2007, the department of labor and industries shall perform all the consumer complaint and related functions of the state administrative agency that are required for purposes of complying with the regulations established by the federal department of housing and urban development for manufactured housing, including the preparation and submission of the state administrative plan.

The department of labor and industries may enter into state or local interagency agreements to coordinate site inspection activities with record monitoring and complaint handling. The interagency agreement may also provide for the reimbursement for cost of work that an agency performs. The department may include other related areas in any interagency agreements which are necessary for the efficient provision of services.

((~~The directors of the department of community, trade, and economic development and the department of labor and industries shall immediately take such steps as are necessary to ensure that chapter 432, Laws of 2007 is implemented on July 1, 2007.~~))

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