

Chapter 43.22 RCW
DEPARTMENT OF LABOR AND INDUSTRIES

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Apprenticeship council: RCW 49.04.010, 49.04.030.

Boiler inspections: Chapter 70.79 RCW.

Department created: RCW 43.17.010.

Director

appointment: RCW 43.17.020.

board of pilotage commissioners, ex officio chairman: RCW 88.16.010.

chief assistants: RCW 43.17.040.

oath: RCW 43.17.030.

powers and duties: RCW 43.17.030.

vacancy: RCW 43.17.020, 43.17.040.

Electrical apparatus use and construction rules, change of, enforcement: RCW 19.29.040.

Electrical installations

adoption of standards: RCW 19.28.031.

electrical inspectors: RCW 19.28.321.

enforcement duties: RCW 19.28.321.

inspections: RCW 19.28.101.

Explosives, duties: Chapter 70.74 RCW.

Farm labor contractors, duties: Chapter 19.30 RCW.

Industrial deaths, autopsies and postmortems: RCW 68.50.103 through 68.50.105.

Industrial safety and health standards: Chapter 49.17 RCW.

Labor disputes, arbitration: Chapter 49.08 RCW.

Occupational forecast—Agency consultation: RCW 50.38.030.

Office located at state capital: RCW 43.17.050.

Prevailing wages on public works—Director of labor and industries to arbitrate disputes: RCW 39.12.060.

Public employees collective bargaining, powers and duties: Chapter 41.56 RCW.

Rules and regulations: RCW 43.17.060.

Seasonal laborers: Chapter 49.40 RCW.

State building code: Chapter 19.27 RCW.

Underground work: Chapter 49.24 RCW.

Victims of crimes, compensation, duties of department: Chapter 7.68 RCW.

Wage collection: Chapter 49.48 RCW.

Wages, minimum: Chapter 49.46 RCW.

RCW 43.22.005 Deputy directors. The director of labor and industries may appoint and deputize two assistant directors to be known as deputy directors. The director shall designate one deputy director who, in case a vacancy occurs in the office of director, shall continue in charge of the department until a director is appointed and qualified, or the governor appoints an acting director. [1985 c 325 § 1; 1969 ex.s. c 32 § 2.]

RCW 43.22.010 Divisions of department—Personnel. The department of labor and industries shall be organized into divisions that promote efficient and effective performance of the duties the agency is charged by statute to administer.

The director may appoint such clerical and other assistants as may be necessary for the general administration of the department. [1994 c 164 § 2; 1974 ex.s. c 27 § 1. Prior: 1973 1st ex.s. c 153 § 8; 1973 1st ex.s. c 52 § 2; 1971 c 66 § 2; 1969 ex.s. c 32 § 1; 1965 c 8 § 43.22.010; prior: (i) 1927 c 306 § 1, part; 1917 c 36 § 2, part; RRS § 8637, part. (ii) 1921 c 7 § 74; RRS § 10832.]

Effective date—1973 1st ex.s. c 52: "This 1973 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1973." [1973 1st ex.s. c 52 § 12.]

RCW 43.22.020 Supervisor of industrial insurance—Appointment—Authority—Personnel. The director of labor and industries shall appoint and deputize an assistant, to be known as the supervisor of industrial insurance, who shall have authority to perform those duties delegated by the director and by statute.

The director may appoint and employ such adjusters, medical and other examiners, auditors, inspectors, clerks, and other assistants as may be necessary to the administration of workers' compensation and medical aid in this state. [1994 c 164 § 3; 1965 c 8 § 43.22.020. Prior: 1921 c 7 § 75; RRS § 10833.]

Industrial insurance: Title 51 RCW.

RCW 43.22.030 Powers and duties. The director of labor and industries shall:

(1) Exercise all the powers and perform all the duties prescribed by law with respect to the administration of workers' compensation and medical aid in this state;

(2) Have the custody of all property acquired by the state at execution sales upon judgments obtained for delinquent industrial

insurance premiums or medical aid contributions, and penalties and costs; sell and dispose of the same at private sales for the sale purchase price, and pay the proceeds into the state treasury to the credit of the accident fund, or medical aid fund, as the case may be. In case of the sale of real estate the director shall execute the deed in the name of the state. [1994 c 164 § 4; 1987 c 185 § 16; 1965 c 8 § 43.22.030. Prior: 1921 c 7 § 78, part; RRS § 10836, part.]

Intent—Severability—1987 c 185: See notes following RCW 51.12.130.

Workers' compensation: Title 51 RCW.

RCW 43.22.035 Printed materials—Department's duties. When an employer initially files a business license application under chapter 19.02 RCW for the purpose, in whole or in part, of registering to pay industrial insurance taxes, the department must send to the employer any printed material the department recommends or requires the employer to post. Any time the printed material has substantive changes in the information, the department must send a copy to each employer. [2013 c 144 § 39; 2007 c 287 § 2.]

RCW 43.22.040 Supervisor of industrial safety and health—Appointment—Authority—Personnel. The director of labor and industries shall appoint and deputize an assistant, to be known as the supervisor of industrial safety and health, who shall have authority to perform those duties delegated by the director and by statute.

The director may appoint and employ such inspectors, clerks, and other assistants as may be necessary to carry on the industrial safety and health work of the department. [1994 c 164 § 5; 1973 1st ex.s. c 52 § 3; 1965 c 8 § 43.22.040. Prior: 1921 c 7 § 76; RRS § 10834.]

Effective date—1973 1st ex.s. c 52: See note following RCW 43.22.010.

Administrative expenses: RCW 51.16.105.

RCW 43.22.050 Powers and duties. The director of labor and industries shall:

(1) Exercise all the powers and perform all the duties prescribed by law in relation to the inspection of factories, mills, workshops, storehouses, warerooms, stores and buildings, and the machinery and apparatus therein contained, and steam vessels, and other vessels operated by machinery, and in relation to the administration and enforcement of all laws and safety standards providing for the protection of employees in mills, factories, workshops, and in employments subject to the provisions of Title 51 RCW, and in relation to the enforcement, inspection, certification, and promulgation of safe places and safety device standards in all industries: PROVIDED, HOWEVER, This section shall not apply to railroads;

(2) Exercise all the powers and perform all the duties prescribed by law in relation to the inspection of tracks, bridges, structures, machinery, equipment, and apparatus of street railways, gas plants,

electrical plants, water systems, telephone lines, telegraph lines, and other public utilities, with respect to the safety of employees, and the administration and enforcement of all laws providing for the protection of employees of street railways, gas plants, electrical plants, water systems, telephone lines, telegraph lines, and other public utilities;

(3) Exercise all the powers and perform all the duties prescribed by law in relation to the enforcement, amendment, alteration, change, and making additions to, rules and regulations concerning the operation, placing, erection, maintenance, and use of electrical apparatus, and the construction thereof. [1994 c 164 § 6; 1973 1st ex.s. c 52 § 4; 1971 ex.s. c 239 § 9; 1965 c 8 § 43.22.050. Prior: 1955 c 173 § 1; 1921 c 7 § 80; RRS § 10838.]

Effective date—1973 1st ex.s. c 52: See note following RCW 43.22.010.

Boilers and steam vessels: Chapter 70.79 RCW.

Electrical apparatus: Chapters 19.28, 19.29 RCW.

Elevators, escalators and dumbwaiters: Chapter 70.87 RCW.

Industrial safety and health: Chapter 49.17 RCW.

RCW 43.22.051 Rule making restricted. For rules adopted after July 27, 1997, the director of the department of labor and industries may not rely solely on a statute's statement of intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of those provisions, for statutory authority to adopt any rule. This section does not apply to rules adopted under chapter 39.12 RCW. [1997 c 409 § 103.]

Part headings—1997 c 409: "Part headings used in this act do not constitute any part of the law." [1997 c 409 § 607.]

Severability—1997 c 409: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1997 c 409 § 609.]

RCW 43.22.052 Five-year formal review process of existing rules. The department of labor and industries must establish and perform, within existing funds, a formal review process of its existing rules every five years. The goal of the review is to decrease the numbers of, simplify the process, and decrease the time required for obtaining licenses, permits, and inspections, as applicable, in order to reduce the regulatory burden on businesses without compromising public health and safety. Benchmarks must be adopted to assess the effectiveness of streamlining efforts. The department must establish a process for effectively applying sunset provisions to rules when applicable. The department must report back to the applicable committees of the legislature with its review process and benchmarks by January 2014. [2013 2nd sp.s. c 30 § 3.]

Findings—Intent—2013 2nd sp.s. c 30: See note following RCW 43.21A.081.

RCW 43.22.053 Supervisor of building and construction safety inspection services—Appointment—Authority—Personnel. The director of labor and industries shall appoint and deputize an assistant, to be known as the supervisor of building and construction safety inspection services, who shall have authority to perform those duties delegated by the director and by statute.

The director may appoint and employ such inspectors, clerks, and other assistants as may be necessary to carry on building and construction safety inspection services subject to the provisions of chapter 41.06 RCW. [1994 c 164 § 7; 1969 ex.s. c 32 § 3.]

RCW 43.22.260 Supervisor of industrial relations—Appointment—Authority—Personnel. The director of labor and industries shall appoint and deputize an assistant, to be known as the supervisor of industrial relations, who shall have authority to perform those duties delegated by the director and by statute.

The director may appoint an assistant to be known as the industrial statistician, and an assistant to be known as the supervisor of employment standards and may appoint and employ experts, clerks, and other assistants as may be necessary to carry on the industrial relations work of the department. [1994 c 164 § 10; 1975 1st ex.s. c 296 § 31; 1973 2nd ex.s. c 16 § 11; 1973 1st ex.s. c 154 § 82; 1965 c 8 § 43.22.260. Prior: 1921 c 7 § 77; RRS § 10835.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

RCW 43.22.270 Powers and duties. The director of labor and industries shall have the power, and it shall be the director's duty:

(1) To study and keep in touch with problems of industrial relations and, from time to time, make public reports and recommendations to the legislature;

(2) To, with the assistance of the industrial statistician, exercise all the powers and perform all the duties in relation to collecting, assorting, and systematizing statistical details relating to labor within the state and systematizing such statistical information to, as far as possible, conform to the plans and reports of the United States department of labor;

(3) To, with the assistance of the industrial statistician, make such special investigations and collect such special statistical information as may be needed for use by the department or division of the state government having need of industrial statistics;

(4) To, with the assistance of the supervisor of employment standards, supervise the administration and enforcement of all laws respecting the employment and relating to the health, sanitary conditions, surroundings, hours of labor, and wages of employees employed in business and industry in accordance with the provisions of chapter 49.12 RCW;

(5) To exercise all the powers and perform all the duties, not specifically assigned to the department of labor and industries, now vested in, and required to be performed by, the commissioner of labor;

(6) To exercise such other powers and perform such other duties as may be provided by law. [1994 c 164 § 11; 1977 c 75 § 48; 1975 1st ex.s. c 296 § 32; 1973 2nd ex.s. c 16 § 12; 1973 1st ex.s. c 154 § 83; 1965 c 8 § 43.22.270. Prior: 1921 c 7 § 81; RRS 10839.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Apprenticeships: Chapter 49.04 RCW.

Arbitration of disputes: Chapter 49.08 RCW.

Public employees' collective bargaining, arbitration of disputes: RCW 41.56.100.

Public employment labor relations: Chapter 41.58 RCW.

Wage collection for aggrieved employees: RCW 49.48.040.

RCW 43.22.282 Industrial welfare committee abolished—Transfer of powers, duties, and functions. The industrial welfare committee established by this chapter is abolished. All powers, duties, and functions of the committee are transferred to the director of labor and industries. [1982 c 163 § 16.]

Severability—Effective date—1982 c 163: See notes following RCW 2.10.052.

RCW 43.22.290 Reports by employers. Every owner, operator, or manager of a factory, workshop, mill, mine, or other establishment where labor is employed, shall make to the department, upon blanks furnished by it, such reports and returns as the department may require, for the purpose of compiling such labor statistics as are authorized by this chapter, and the owner or business manager shall make such reports and returns within the time prescribed therefor by the director, and shall certify to the correctness thereof.

In the reports of the department no use shall be made of the names of individuals, firms, or corporations supplying the information called for by this section, such information being deemed confidential, and not for the purpose of disclosing personal affairs, and any officer, agent, or employee of the department violating this provision shall be fined a sum not exceeding five hundred dollars, or be imprisoned for up to three hundred sixty-four days. [2011 c 96 § 28; 1965 c 8 § 43.22.290. Prior: 1901 c 74 § 3; RRS § 7588.]

Findings—Intent—2011 c 96: See note following RCW 9A.20.021.

RCW 43.22.300 Compelling attendance of witnesses and testimony—Penalty. (1) The director may issue subpoenas, administer oaths and take testimony in all matters relating to the duties herein required,

such testimony to be taken in some suitable place in the vicinity to which testimony is applicable.

(2) Witnesses subpoenaed and testifying before any officer of the department shall be paid the same fees as witnesses before a superior court, such payment to be made from the funds of the department.

(3) Any person duly subpoenaed under the provisions of this section who willfully neglects or refuses to attend or testify at the time and place named in the subpoena, is guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not exceeding thirty days. [2003 c 53 § 227; 1965 c 8 § 43.22.300. Prior: 1901 c 74 § 4; RRS § 7589.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

RCW 43.22.310 Access to plants—Penalty for refusal. The director or any employee of the department of labor and industries may enter any factory, mill, office, workshop, or public or private works at any time for the purpose of gathering facts and statistics as provided by this chapter, and examine into the methods of protection from danger to employees, and the sanitary conditions in and around such buildings and places and make a record thereof, and any owner or occupant of such factory, mill, office or workshop, or public or private works, or his or her agent who refuses to allow an inspector or employee of the department to enter, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in the county jail not to exceed ninety days. [2009 c 549 § 5100; 1965 c 8 § 43.22.310. Prior: 1901 c 74 § 5; RRS § 7590.]

RCW 43.22.315 Use of social security numbers in correspondence with third parties. (1) For the purposes of preventing fraud and protecting personal privacy, the department shall examine its current practices in which it discloses the full social security numbers of persons in its correspondence with nongovernmental third parties.

(2) If the disclosure of full social security numbers in its correspondence with nongovernmental third parties is not required for compliance with any state or federal law, the department shall:

(a) Institute procedures to replace the use of full social security numbers with other forms of personal identifiers in its correspondence with nongovernmental third parties; and

(b) By July 1, 2023, cease disclosing the full social security numbers of persons in its correspondence with nongovernmental third parties.

(3) The definitions in this subsection apply throughout this section:

(a) "Correspondence" means written communications, emails, or other similar communications. "Correspondence" does not include financial transactions or communications sent via secured or encrypted methods.

(b) "Nongovernmental third party" means an individual, corporation, business trust, estate, trust, partnership, association,

joint venture, or other legal commercial entity. The term does not include a government or governmental subdivision, agency, or instrumentality. [2021 c 80 § 1.]

RCW 43.22.331 Annual report on workers' compensation fraud. The department shall annually compile a comprehensive report on workers' compensation fraud in Washington. The report shall include the department's activities related to the prevention, detection, and prosecution of worker, employer, and provider fraud and the cost of such activities, as well as the actual and estimated cost savings of such activities. The report shall be submitted to the appropriate committees of the legislature prior to the start of the legislative session in January. [1995 c 160 § 7.]

RCW 43.22.335 Manufactured homes, mobile homes, recreational vehicles—Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.22.340 through 43.22.434, 43.22.442, and 43.22.495.

(1) "Conversion vending units" means a motor vehicle or recreational vehicle that has been converted or built for the purpose of being used for commercial sales at temporary locations. The units must be less than eight feet six inches wide in the set-up position and the inside working area must be less than forty feet in length.

(2) "Indigent" means a person receiving an annual income, after taxes, of one hundred twenty-five percent or less of the current federally established poverty level.

(3) "Manufactured home" means a single-family dwelling required to be built in accordance with regulations adopted under the national manufactured housing construction and safety standards act of 1974 (42 U.S.C. 5401 et seq.).

(4) "Medical unit" means a self-propelled unit used to provide medical examinations, treatments, and medical and dental services or procedures, not including emergency response vehicles.

(5) "Mobile home" means a factory-built dwelling built before June 15, 1976, to standards other than the national manufactured housing construction and safety standards act of 1974 (42 U.S.C. 5401 et seq.), and acceptable under applicable state codes in effect at the time of construction or introduction of the home into this state.

(6) "Park trailer" means a park trailer as defined in the American national standards institute A119.5 standard for park trailers.

(7) "Recreational vehicle" means a vehicular-type unit primarily designed for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle. The units include travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, and motor homes. [2016 c 167 § 3; 2002 c 268 § 9; 2001 c 335 § 1; 1999 c 22 § 1; 1995 c 280 § 1.]

Purpose—Finding—Effective dates—2002 c 268: See notes following RCW 43.22.434.

Application—2001 c 335: "This act applies to manufactured homes without regard to the date such homes may have been altered." [2001 c 335 § 10.]

RCW 43.22.340 Manufactured homes, mobile homes, recreational vehicles—Safety rules—Compliance—Penalty. (1) The director shall adopt specific rules for conversion vending units and medical units. The rules for conversion vending units and medical units shall be established to protect the occupants from fire; to address other life safety issues; and to ensure that the design and construction are capable of supporting any concentrated load of five hundred pounds or more. Also, the director shall adopt specific rules concerning safety standards as necessary to implement subsection (3) of this section by January 1, 2006.

(2) The director of labor and industries shall adopt rules governing safety of body and frame design, and the installation of plumbing, heating, and electrical equipment in mobile homes, commercial coaches, recreational vehicles, and/or park trailers: PROVIDED, That the director shall not prescribe or enforce rules governing the body and frame design of recreational vehicles and park trailers until after the American national standards institute shall have published standards and specifications upon this subject. The rules shall be reasonably consistent with recognized and accepted principles of safety for body and frame design and plumbing, heating, and electrical installations, in order to protect the health and safety of the people of this state from dangers inherent in the use of substandard and unsafe body and frame design, construction, plumbing, heating, electrical, and other equipment and shall correlate with and, so far as practicable, conform to the then current standards and specifications of the American national standards institute standards A119.1 for mobile homes and commercial coaches, A119.2 for recreational vehicles, and A119.5 for park trailers.

(3) Except as provided in RCW 43.22.436, it shall be unlawful for any person to lease, sell or offer for sale, within this state, any mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and/or park trailers manufactured after January 1, 1968, containing plumbing, heating, electrical, or other equipment, and after July 1, 1970, body and frame design or construction, unless such equipment, design, or construction meets the requirements of the rules provided for in this section.

(4) Any person violating this section is guilty of a misdemeanor. Each day upon which a violation occurs shall constitute a separate violation. [2005 c 399 § 2; 2003 c 53 § 228; 2002 c 268 § 6; 1999 c 22 § 2; 1995 c 280 § 2; 1970 ex.s. c 27 § 1; 1969 ex.s. c 229 § 1; 1967 c 157 § 1.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

Purpose—Finding—Effective dates—2002 c 268: See notes following RCW 43.22.434.

RCW 43.22.350 Mobile homes, recreational or commercial vehicles—Compliance insignia—Fee schedule—Out-of-state sales—Waiver of provisions during state of emergency. (1) In compliance with any applicable provisions of this chapter, the director of the department of labor and industries shall establish a schedule of fees, whether on the basis of plan approval or inspection, for the issuance of an insigne which indicates that the mobile home, commercial coach,

conversion vending units, medical units, recreational vehicle, and/or park trailer complies with the provisions of RCW 43.22.340 through 43.22.410 or for any other purpose specifically authorized by any applicable provision of this chapter.

(2) Insignia are not required on mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and/or park trailers manufactured within this state for sale outside this state which are sold to persons outside this state.

(3) During a state of emergency declared under RCW 43.06.010(12), the governor may waive or suspend the collection of fees under this section or any portion of this section or under any administrative rule, and issue any orders to facilitate the operation of state or local government or to promote and secure the safety and protection of the civilian population.

(4) The department of labor and industries shall permit the purchase and distribution of insignia to a manufacturer of recreational vehicles and/or park trailers with an approved quality control program, upon such manufacturer's submission of plans and specifications of a model or production prototype of a recreational vehicle and/or park trailer and the payment of plan and specification review fees to the department of labor and industries. [2023 c 78 § 1; 2008 c 181 § 202; 1999 c 22 § 3; 1995 c 280 § 4; 1977 ex.s. c 21 § 6; 1970 ex.s. c 27 § 2; 1967 c 157 § 2.]

Part headings not law—2008 c 181: See note following RCW 43.06.220.

Construction—1977 ex.s. c 21: See note following RCW 43.22.431.

RCW 43.22.355 Mobile homes, recreational or commercial vehicles—Self-certification for recreational vehicles and park trailers—Procedures—Performance audit of quality control programs. The director or the director's authorized representative may allow qualifying recreational vehicle and/or park trailer manufacturers to be self-certified as to compliance with the American national standards institute A119.2 standard for recreational vehicles and the American national standards institute A119.5 standard for park trailers. Except as provided in subsection (4) of this section, a manufacturer approved for the department's self-certification is exempt from the requirements under RCW 43.22.434 and 43.22.360. The director shall adopt rules to implement the self-certification program. The director may establish fees at a sufficient level to cover the costs of administering this program.

(1) Before a manufacturer becomes self-certified, the department shall make an initial audit of the manufacturer making self-certification application. The audit must review and report on the following:

- (a) The manufacturer's quality control program;
- (b) The manufacturer's demonstrated ability to manufacture products in conformance with either or both of the American national standards institute standards A119.2 and A119.5; and
- (c) The availability on-site of comprehensive plans for each model being manufactured.

(2) At the sole discretion of the director, a manufacturer currently being audited by the department that is deemed to meet the

criteria for an initial self-certification audit may become a self-certified manufacturer without an additional self-certification audit.

(3) If the department denies an application to allow a manufacturer to be self-certified, the manufacturer shall be notified in writing including the reasons for denial. A copy of the initial self-certification audit shall be provided to the manufacturer. A manufacturer who is denied self-certification may appeal the denial under chapter 34.05 RCW.

(4) If the department has reason to believe that the manufacturer is no longer meeting the criteria established in subsection (1) of this section, the department may make an audit of the manufacturer. For purposes of enforcement of this subsection, the department retains inspection and investigation authority under RCW 43.22.434. At the conclusion of this audit, the director or the director's authorized representative may continue the manufacturer's self-certification or require the manufacturer to meet all of the requirements of this chapter from which the manufacturer was once exempted.

(5) The manufacturer to whom the authorization is given shall pay all of the costs of the initial self-certification audit and any subsequent audit that the department has the authority to perform.

(6) The department shall conduct a performance audit of additional industry association quality control programs utilized by self-certified manufacturers at least once every two years. [1995 c 280 § 6.]

RCW 43.22.360 Mobile homes, recreational or commercial vehicles—Plans and specifications—Approval—Alterations—Rules. (1) Plans and specifications of each model or production prototype of a mobile home, commercial coach, conversion vending units as specified in subsection (2) of this section, medical units, recreational vehicle, and/or park trailer showing body and frame design, construction, plumbing, heating and electrical specifications and data shall be submitted to the department of labor and industries for approval and recommendations with respect to compliance with the rules and standards of each of such agencies. When plans have been submitted and approved as required, no changes or alterations shall be made to body and frame design, construction, plumbing, heating or electrical installations or specifications shown thereon in any mobile home, commercial coach, conversion vending units, medical units, recreational vehicle, or park trailer without prior written approval of the department of labor and industries.

(2) (a) Conversion vending units with any of the following components are subject to the requirements of subsection (1) of this section unless exempted by the department by rule after consultation with the advisory committee created in section 4, chapter 167, Laws of 2016:

- (i) Have concentrated loads exceeding five hundred pounds;
- (ii) Contain fuel gas piping systems and equipment;
- (iii) Contain solid fuel burning equipment;
- (iv) Contain fire suppression systems;
- (v) Contain commercial hoods;
- (vi) Contain electrical systems and equipment in excess of 30A/120V;
- (vii) Contain electrical systems with more than five circuits;

(viii) Contain electrical systems incorporating photovoltaic energy, fuel cell energy, or other alternative energy systems; or

(ix) Contain plumbing drainage systems conveying solid or bodily waste.

(b) Professional engineer or architect approval is only required for conversion vending units that have concentrated loads exceeding five hundred pounds.

(c) Plan review is not required for those systems and other items listed in (a) of this subsection, or as modified by rule, that are already inspected and approved by another jurisdiction either to a common recognized standard or to standards substantially equivalent to Washington state. An insignia or certified inspection record from the inspecting jurisdiction will suffice as evidence of prior plan review approval.

(3) The director may adopt rules that provide for approval of a plan that is certified as meeting state requirements or the equivalent by a professional who is licensed or certified in a state whose licensure or certification requirements meet or exceed Washington requirements. [2016 c 167 § 2; 1999 c 22 § 4. Prior: 1995 c 289 § 1; 1995 c 280 § 7; 1970 ex.s. c 27 § 3; 1967 c 157 § 3.]

RCW 43.22.370 Mobile homes, recreational or commercial vehicles—Leased, sold, or manufactured in state prior to July 1, 1968—

Compliance not required—Exception. Any mobile home, commercial coach, conversion vending units, medical units, recreational vehicle, and/or park trailer leased or sold in Washington and manufactured prior to July 1, 1968, which has not been inspected prior to its sale and which does not meet the requirements prescribed will not be required to comply with those requirements except for alterations or installations referred to in RCW 43.22.360. [1999 c 22 § 5; 1995 c 280 § 8; 1970 ex.s. c 27 § 4; 1969 ex.s. c 229 § 2; 1967 c 157 § 4.]

RCW 43.22.380 Mobile homes, recreational or commercial vehicles—Manufactured for use outside state—Compliance not required—

Exception. Used mobile homes, commercial coaches, recreational vehicles, and/or park trailers manufactured for use outside this state which do not meet the requirements prescribed and have been used for six months or more will not be required to comply with those requirements except for alterations or installations referred to in RCW 43.22.360. [2016 c 167 § 1; 1999 c 22 § 6; 1995 c 280 § 9; 1970 ex.s. c 27 § 5; 1967 c 157 § 5.]

RCW 43.22.390 Mobile homes, recreational or commercial vehicles—Insigne of approval, when required.

Mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and/or park trailers subject to the provisions of RCW 43.22.340 through 43.22.410, and mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and/or park trailers upon which alterations of body and frame design, construction or installations of plumbing, heating or electrical equipment referred to in RCW 43.22.360 are made after July 1, 1968, shall have affixed thereto such insigne of approval. [1999 c 22 § 7; 1995 c 280 § 10; 1970 ex.s. c 27 § 6; 1967 c 157 § 6.]

RCW 43.22.400 Mobile homes, recreational or commercial vehicles
—Meeting standards of other states at least equal to this state. If the director of the department of labor and industries determines that the standards for body and frame design, construction and the plumbing, heating and electrical equipment installed in mobile homes, commercial coaches, recreational vehicles, and/or park trailers by the statutes or rules and regulations of other states are at least equal to the standards prescribed by this state, he or she may so provide by regulation. Any mobile home, commercial coach, recreational vehicle, and/or park trailer which a state listed in such regulations has approved as meeting its standards for body and frame design, construction and plumbing, heating and electrical equipment shall be deemed to meet the standards of the director of the department of labor and industries, if he or she determines that the standards of such state are actually being enforced. [2009 c 549 § 5101; 1995 c 280 § 11; 1970 ex.s. c 27 § 7; 1967 c 157 § 7.]

RCW 43.22.410 Mobile homes, recreational or commercial vehicles
—Meeting requirements of chapter deemed compliance with county or city ordinances. Any mobile home, commercial coach, conversion vending units, medical units, recreational vehicle, and/or park trailer that meets the requirements prescribed under RCW 43.22.340 shall not be required to comply with any ordinances of a city or county prescribing requirements for body and frame design, construction or plumbing, heating and electrical equipment installed in mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and/or park trailers. [1999 c 22 § 8; 1995 c 280 § 12; 1970 ex.s. c 27 § 8; 1967 c 157 § 8.]

RCW 43.22.420 Factory assembled structures advisory board.
There is hereby created a factory assembled structures advisory board consisting of 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. [2023 c 36 § 1; 2001 c 335 § 2; 1999 c 22 § 9; 1995 c 280 § 13; 1987 c 330 § 601; 1975-'76 2nd ex.s. c 34 § 103; 1971 ex.s. c 82 § 1; 1970 ex.s. c 27 § 9; 1969 ex.s. c 229 § 3.]

Application—2001 c 335: See note following RCW 43.22.335.

Construction—Application of rules—Severability—1987 c 330: See notes following RCW 28B.12.050.

Effective date—Severability—1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 43.22.430 RCW 43.22.340 and 43.22.350 through 43.22.420 not to apply to common carrier equipment. RCW 43.22.340 and 43.22.350 through 43.22.420 shall not apply to common carrier equipment. [1970 ex.s. c 27 § 10.]

RCW 43.22.431 Manufactured home safety and construction standards—Enforcement by director of labor and industries. The director of the department of labor and industries may enforce manufactured home safety and construction standards adopted by the secretary of housing and urban development under the national manufactured home construction and safety standards act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426). Furthermore, the director may make agreements with the United States government and private inspection organizations to implement the development and enforcement of applicable provisions of this chapter and the national manufactured home construction and safety standards act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426). Any fees or contract moneys collected under these agreements shall be deposited into the manufactured home installation training account created in RCW 43.22A.100. [2007 c 432 § 6; 2001 c 335 § 3; 1977 ex.s. c 21 § 1.]

Application—2001 c 335: See note following RCW 43.22.335.

Construction—1977 ex.s. c 21: "This 1977 amendatory act is not intended to repeal, alter, or diminish existing state law respecting mobile homes, commercial coaches, and recreational vehicles in those areas unregulated under federal law." [1977 ex.s. c 21 § 4.]

RCW 43.22.432 Manufactured home construction and safety standards and regulations—Rules. (1) The department may adopt all standards and regulations adopted by the secretary under the national manufactured home construction and safety standards act of 1974 (800

Stat. 700; 42 U.S.C. Secs. 5401-5426) for manufactured home construction and safety standards. If any deletions or amendments to the federal standards or regulations are thereafter made and notice thereof is given to the department, the standards or regulations shall be considered automatically adopted by the state under this chapter after the expiration of thirty days from publication in the federal register of a final order describing the deletions or amendments unless within that thirty day period the department objects to the deletion or amendment. In case of objection, the department shall proceed under the rule making procedure of chapter 34.05 RCW.

(2) The department shall adopt rules with respect to manufactured homes that require the prior written approval of the department before changes or alterations may be made to a manufactured home that differ from the construction standards provided for in this section.

(3) For purposes of implementing this section, by January 1, 2006, the department shall adopt requirements for manufactured homes built before June 15, 1976.

(4) Except as provided in RCW 43.22.436, it is unlawful for any person to lease, sell, or offer for sale, within this state, a manufactured home unless the home meets the requirements of the rules provided for in this section. [2005 c 399 § 3; 2002 c 268 § 7; 2001 c 335 § 4; 1977 ex.s. c 21 § 2.]

Purpose—Finding—Effective dates—2002 c 268: See notes following RCW 43.22.434.

Application—2001 c 335: See note following RCW 43.22.335.

Construction—1977 ex.s. c 21: See note following RCW 43.22.431.

RCW 43.22.433 Violations—Penalties. Any person who violates any of the provisions of RCW 43.22.431 through 43.22.434 and 43.22.350 or any rules or regulations adopted pursuant to RCW 43.22.431 through 43.22.434 and 43.22.350 is guilty of a gross misdemeanor, punishable by a fine not exceeding one thousand dollars or by imprisonment not exceeding one year, or by both such fine and imprisonment. [1977 ex.s. c 21 § 3.]

Construction—1977 ex.s. c 21: See note following RCW 43.22.431.

RCW 43.22.434 Inspections and investigations necessary to adopt or enforce rules—Director's duties—Fees—Waiver of provisions during state of emergency. (1) The director or the director's authorized representative may conduct such inspections, investigations, and audits as may be necessary to adopt or enforce manufactured and mobile home, commercial coach, conversion vending units, medical units, recreational vehicle, park trailer, factory built housing, and factory built commercial structure rules adopted under the authority of this chapter or to carry out the director's duties under this chapter.

(2) For purposes of enforcement of this chapter, persons duly designated by the director upon presenting appropriate credentials to the owner, operator, or agent in charge may:

(a) At reasonable times and without advance notice enter any factory, warehouse, or establishment in which manufactured and mobile

homes, commercial coaches, conversion vending units, medical units, recreational vehicles, park trailers, factory built housing, and factory built commercial structures are manufactured, stored, or held for sale;

(b) At reasonable times, within reasonable limits, and in a reasonable manner inspect any factory, warehouse, or establishment as required to comply with the standards adopted by the secretary of housing and urban development under the national manufactured home construction and safety standards act of 1974. Each inspection shall be commenced and completed with reasonable promptness; and

(c) As requested by an owner of a conversion vending unit or medical unit, inspect an alteration.

(3) For purposes of determining compliance with this chapter's permitting requirements for alterations of mobile and manufactured homes, the department may audit the records of a contractor as defined in chapter 18.27 RCW or RCW 18.106.020(1) or an electrical contractor as defined in RCW 19.28.006 when the department has reason to believe that a violation of the permitting requirements has occurred. The department shall adopt rules implementing the auditing procedures. Information obtained from a contractor through an audit authorized by this subsection is confidential and not open to public inspection under chapter 42.56 RCW.

(4) The department shall set a schedule of fees by rule which will cover the costs incurred by the department in the administration of RCW 43.22.335 through 43.22.490, and is hereby authorized to do so pursuant to RCW 43.135.055. The department shall use fees set under this subsection only for the administration of RCW 43.22.335 through 43.22.490. The department may waive mobile/manufactured home alteration permit fees for indigent permit applicants.

(5) During a state of emergency declared under RCW 43.06.010(12), the governor may waive or suspend the collection of fees under this section or any portion of this section or under any administrative rule, and issue any orders to facilitate the operation of state or local government or to promote and secure the safety and protection of the civilian population. [2008 c 285 § 4; 2008 c 181 § 203; 2005 c 274 § 296; 2004 c 137 § 1; 2003 c 67 § 1. Prior: 2002 c 268 § 3; 2002 c 268 § 2; 2001 c 335 § 5; 1999 c 22 § 10; 1995 c 280 § 5; 1977 ex.s. c 21 § 5.]

Reviser's note: This section was amended by 2008 c 181 § 203 and by 2008 c 285 § 4, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Intent—2008 c 285: "To protect taxpayers, many state programs require the costs of licensing, registration, certification, and related government services to be borne by the profession or industry that uses the services, rather than by the taxpaying public as a whole. State standards that govern the professional duties of these industries are intended to protect the general public by safeguarding health, safety, employees, and consumers. The legislative approval of the fees and fee increases in this act is intended to ensure that the general public is not assessed these costs while also providing adequate funding to statutory programs that safeguard and improve Washington's health, safety, employees, and consumers." [2008 c 285 § 1.]

Captions not law—2008 c 285: "Captions used in this act are not any part of the law." [2008 c 285 § 31.]

Effective date—2008 c 285: "Except for sections 2 and 15 through 26 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 31, 2008]." [2008 c 285 § 32.]

Part headings not law—2008 c 181: See note following RCW 43.06.220.

Effective date—2004 c 137: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect March 31, 2004." [2004 c 137 § 2.]

Purpose—Finding—2002 c 268: "The purpose of this act is to implement the recommendations of the joint legislative task force created by chapter 335, Laws of 2001. The legislature recognizes the need to improve communications among mobile/manufactured homeowners, regulatory agencies, and other interested parties, to streamline the complex regulatory environment and inflexible enforcement system, and to promote problem solving at an early stage. To assist in achieving these goals, the legislature:

(1) Encourages the relevant agencies to conduct a pilot project that tests an interagency coordinated system for processing permits for alterations or repairs of mobile and manufactured homes; and

(2) Recognizes the task force's work in reviewing agency rules related to alteration permit requirements and supports the task force's recommendations to the agency regarding those rules. The legislature finds that assisting consumers to understand when an alteration of a mobile or manufactured home is subject to a permit, and when it is not, will improve compliance with the agency rules and further the code's safety goals." [2002 c 268 § 1.]

Effective date—2002 c 268: "Sections 1, 2, and 4 through 9 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [March 29, 2002]." [2003 c 67 § 2; 2002 c 268 § 10.]

Application—2001 c 335: See note following RCW 43.22.335.

Construction—1977 ex.s. c 21: See note following RCW 43.22.431.

RCW 43.22.435 Altering a mobile or manufactured home—Permit—Penalties—Appeals—Notice of correction. (1)(a) In addition to or in lieu of any other penalty applicable under this chapter, and except as provided in (b) of this subsection, the department may assess a civil penalty of not more than one thousand dollars against a contractor, firm, partnership, or corporation, that fails to obtain a permit before altering a mobile or manufactured home as required under this chapter or rules adopted under this chapter. Each day on which a violation occurs constitutes a separate violation. However, the

cumulative penalty for the same occurrence may not exceed five thousand dollars.

(b) The department must adopt a schedule of civil penalties giving due consideration to the appropriateness of the penalty with respect to the gravity of the violation and the history of previous violations. Penalties for subsequent violations, not constituting the same occurrence, committed within two years of a prior violation by the same party or entity, or by an individual who was a principal or officer of the same entity, must be double the amount of the penalty for the prior violation or one thousand dollars, whichever is greater.

(2) (a) The department may issue a notice of correction before issuing a civil penalty assessment. The notice must include:

(i) A description of the violation;

(ii) A statement of what is required to correct the violation;

(iii) The date by which the department requires correction to be achieved; and

(iv) Notice of the individual or department office that must be contacted to obtain a permit or other compliance information.

(b) A notice of correction is not a formal enforcement action, is not subject to appeal, and is a public record.

(c) If the department issues a notice of correction, it shall not issue a civil penalty for the violation identified in the notice of correction unless the responsible person fails to comply with the notice.

(3) (a) The department must issue written notices of civil penalties imposed under this section, with the reasons for the penalty, using a method by which the mailing can be tracked or the delivery can be confirmed to the last known address of the party named in the notice.

(b) If a party desires to contest a notice of civil penalty issued under this section, the party must file a notice of appeal with the department within twenty days of the department's mailing of the notice of civil penalty. An administrative law judge of the office of administrative hearings will hear and determine the appeal. Appeal proceedings must be conducted pursuant to chapter 34.05 RCW. An appeal of the administrative law judge's determination or order shall be to the superior court. The superior court's decision is subject only to discretionary review under the rules of appellate procedure. [2011 c 301 § 10; 2002 c 268 § 4.]

Purpose—Finding—Effective dates—2002 c 268: See notes following RCW 43.22.434.

RCW 43.22.436 Mobile and manufactured home installations—Exemptions and variances from permitting requirements and alteration rules—Conditional sales of altered mobile and manufactured homes.

(1) With respect to mobile and manufactured homes that are installed in accordance with the standards adopted under RCW 43.22.440:

(a) The department shall adopt rules that:

(i) Specify exemptions from a requirement for a permit to alter a mobile or manufactured home;

(ii) Authorize the granting of variances from the rules adopted under this section for alterations that use materials, designs, or methods of construction different from those required under the rules adopted under this chapter; and

(iii) Require the seller of a mobile or manufactured home to deliver to the buyer prior to the sale: (A) A completed property transfer disclosure statement in accordance with chapter 64.06 RCW, unless the seller is exempt or the buyer waives his or her rights under chapter 64.06 RCW; and (B) the variance, if any, granted under the rules adopted under this section.

(b) The department may adopt a rule that allows parties to enter into a conditional sale of an altered mobile or manufactured home. However, a conditional sales agreement may be executed only if, prior to execution, the parties have complied with the department's requirements related to permit approval and a variance granted under the rules, if any, and with property transfer disclosure statement requirements.

(2) This chapter does not prohibit the sale of an altered mobile or manufactured home installed in accordance with the standards adopted under RCW 43.22.440. If, after an inspection requested by any party to a sale, including a party financing the sale, the department determines that an alteration may constitute a hazard to life, safety, or health, the department shall so notify the parties in writing within thirty days of completing the inspection and may notify the local official responsible for enforcing the uniform fire code adopted under chapter 19.27 RCW or local health officer, as applicable, within the relevant jurisdiction. [2002 c 268 § 5.]

Purpose—Finding—Effective dates—2002 c 268: See notes following RCW 43.22.434.

RCW 43.22.440 Manufactured and mobile home installation service and warranty service standards—Enforcement. (1) The legislature finds that inspections of manufactured and mobile home installation are not done on a consistent basis. Manufactured and mobile homes provide housing for many people in the state, and improperly installed manufactured or mobile homes are a serious health and safety risk. Where possible and practical, manufactured and mobile homes should be treated the same as any housing inhabited or to be inhabited by persons in this state, including housing built according to the state building code.

(2) In consultation with the factory assembled structures advisory board for manufactured homes, the director of labor and industries shall by rule establish uniform standards for the performance and workmanship of installation service and warranty service by persons or entities engaged in performing the services within this state for all manufactured and mobile homes, as defined in RCW 46.04.302. The standards shall conform, where applicable, with statutes, rules, and recommendations established under the national manufactured home construction and safety standards act of 1974 (42 U.S.C. Sec. 5401 et seq.). These rules regarding the installation of manufactured and mobile homes shall be enforced and fees charged by the counties and cities in the same manner the state building code is enforced under RCW 19.27.050.

(3) In addition to and in conjunction with the remedies provided in this chapter, failure to remedy any breach of the standards and rules so established, upon adequate notice and within a reasonable time, is a violation of the consumer protection act, chapter 19.86 RCW

and subject to the remedies provided in that chapter. [2001 c 335 § 6; 1988 c 239 § 5; 1980 c 153 § 1.]

Application—2001 c 335: See note following RCW 43.22.335.

RCW 43.22.442 Warranty service—Timely compensation for work performed. A manufacturer of manufactured homes who designates a representative within this state to provide consumers with warranty service for manufactured homes on behalf of the manufacturer shall make reasonable and timely compensation to the representative for performance of the warranty service. [2001 c 335 § 7; 1980 c 153 § 2.]

Application—2001 c 335: See note following RCW 43.22.335.

RCW 43.22.445 Mobile homes—Warranties and inspections—Advertising of dimensions. See RCW 46.70.135.

RCW 43.22.450 Factory built housing and commercial structures, regulating installation of—Definitions. Whenever used in RCW 43.22.450 through 43.22.490:

(1) "Department" means the Washington state department of labor and industries;

(2) "Approved" means approved by the department;

(3) "Factory built housing" means any structure, including a factory built tiny house with or without a chassis (wheels), designed primarily for human occupancy other than a manufactured or mobile home the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site;

(4) "Install" means the assembly of factory built housing or factory built commercial structures at a building site;

(5) "Building site" means any tract, parcel or subdivision of land upon which factory built housing or a factory built commercial structure is installed or is to be installed;

(6) "Local enforcement agency" means any agency of the governing body of any city, county, or state which enforces laws or ordinances governing the construction of buildings;

(7) "Commercial structure" means a structure designed or used for human habitation, or human occupancy for industrial, educational, assembly, professional or commercial purposes;

(8) "Qualified inspection agency" means a nongovernmental entity approved to perform inspections under contract for the department. [2019 c 352 § 4; 2019 c 165 § 2; 2001 c 335 § 8; 1973 1st ex.s. c 22 § 1; 1970 ex.s. c 44 § 1.]

Reviser's note: This section was amended by 2019 c 165 § 2 and by 2019 c 352 § 4, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Finding—2019 c 352: See note following RCW 58.17.040.

Application—2001 c 335: See note following RCW 43.22.335.

RCW 43.22.455 Factory built housing and commercial structures, regulating installation of—Housing must be approved, have department insignia—Significance of insignia—Modification of housing during installation must be approved. No factory built housing or factory built commercial structure shall be installed on a building site in this state after the effective date of the regulations adopted pursuant to RCW 43.22.480 unless it is approved and bears the insignia of approval of the department.

(1) Any factory built housing or factory built commercial structure bearing an insignia of approval of the department shall be deemed to comply with any laws, ordinances or regulations enacted by any city or county or any local enforcement agency which govern the manufacture and construction of factory built housing or factory built commercial structures or on-site housing.

(2) No factory built housing or factory built commercial structure which has been approved by the department shall be in any way modified prior to, or during installation by a manufacturer or installer unless approval of such modification is first made by the department. [1973 1st ex.s. c 22 § 2; 1970 ex.s. c 44 § 2.]

RCW 43.22.460 Factory built housing and commercial structures, regulating installation of—Certain requirements reserved to local jurisdictions. Local land use requirements, building setbacks, side and rear yard requirements, site development and property line requirements, and review and regulation of zoning requirements are specifically reserved to local jurisdictions notwithstanding anything contained in RCW 43.22.450 through 43.22.490. [1970 ex.s. c 44 § 3.]

RCW 43.22.465 Factory built housing and commercial structures, regulating installation of—Injunctive process, procedure. The department may obtain from a superior court having jurisdiction, a temporary injunction enjoining the installation of factory built housing or factory built commercial structures on any building site upon affidavit of the department that such factory built housing or factory built commercial structures do not conform to the requirements of RCW 43.22.450 through 43.22.490 or to the rules adopted pursuant to RCW 43.22.450 through 43.22.490. The affidavit must set forth such violations in detail. The injunction may be made permanent, in the discretion of the court. [1973 1st ex.s. c 22 § 3; 1970 ex.s. c 44 § 4.]

RCW 43.22.470 Factory built housing and commercial structures, regulating installation of—Delegation of inspection duty—Qualified inspection agencies. The department shall have the authority to delegate all or part of its duties of inspection to a local enforcement agency or a qualified inspection agency.

Qualified inspection agencies shall be objective, competent, and independent from the companies responsible for the work being inspected. The qualified inspection agency will disclose to the department any conflict of interest so that objectivity may be confirmed. Qualified inspection agencies shall have adequate equipment to perform the required inspections and shall employ experienced personnel with appropriate certifications and knowledge for the

inspections being performed. Certification by the international code council will be recognized as meeting this last requirement. [2019 c 165 § 1; 1970 ex.s. c 44 § 5.]

RCW 43.22.480 Factory built housing and commercial structures, installation—Rules—Enforcement—Standards—Fees—Waiver of provisions during state of emergency. (1) The department shall adopt and enforce rules that protect the health, safety, and property of the people of this state by assuring that all factory built housing or factory built commercial structures are structurally sound and that the plumbing, heating, electrical, and other components thereof are reasonably safe. The rules shall be reasonably consistent with recognized and accepted principles of safety and structural soundness, and in adopting the rules the department shall consider, so far as practicable, the standards and specifications contained in the uniform building, plumbing, and mechanical codes, including the barrier free code and the Washington energy code as adopted by the state building code council pursuant to chapter 19.27A RCW, and the national electrical code, including the state rules as adopted pursuant to chapter 19.28 RCW and published by the national fire protection association or, when applicable, the temporary worker building code adopted under RCW 70.114A.081.

(2) The department shall set a schedule of fees which will cover the costs incurred by the department in the administration and enforcement of RCW 43.22.450 through 43.22.490.

(3) The director may adopt rules that provide for approval of a plan that is certified as meeting state requirements or the equivalent by a professional who is licensed or certified in a state whose licensure or certification requirements meet or exceed Washington requirements.

(4) During a state of emergency declared under RCW 43.06.010(12), the governor may waive or suspend the collection of fees under this section or any portion of this section or under any administrative rule, and issue any orders to facilitate the operation of state or local government or to promote and secure the safety and protection of the civilian population. [2008 c 181 § 204; 1998 c 37 § 4; 1995 c 289 § 2; 1989 c 134 § 1; 1979 ex.s. c 76 § 2; 1973 1st ex.s. c 22 § 5; 1970 ex.s. c 44 § 7.]

Part headings not law—2008 c 181: See note following RCW 43.06.220.

RCW 43.22.485 Factory built housing and commercial structures, regulating installation of—Recognizing out-of-state standards, enforcement, as department approved. If the director of the department determines that the standards for factory built housing or factory built commercial structures prescribed by statute, rule or regulation of another state are at least equal to the regulations prescribed under RCW 43.22.450 through 43.22.490, and that such standards are actually enforced by such other state, he or she may provide by regulation that factory built housing or factory built commercial structures approved by such other state shall be deemed to have been approved by the department. [2009 c 549 § 5102; 1973 1st ex.s. c 22 § 6; 1970 ex.s. c 44 § 8.]

RCW 43.22.490 Factory built housing and commercial structures, regulating installation of—Violation as misdemeanor—Penalty. Any person who violates any of the provisions of RCW 43.22.450 through 43.22.490 or any rules or regulations adopted pursuant to RCW 43.22.450 through 43.22.490 is guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars or by imprisonment not exceeding thirty days, or by both such fine and imprisonment. [1970 ex.s. c 44 § 9.]

RCW 43.22.495 Manufactured housing—Duties. 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. [2023 c 36 § 9; 2007 c 432 § 7; 1995 c 399 § 69; 1990 c 176 § 1.]

RCW 43.22.498 Deposit of moneys from RCW 43.22.335 through 43.22.430 and 43.22.432 through 43.22.495. All moneys, except fines and penalties, received or collected under the terms of RCW 43.22.335 through 43.22.430 and 43.22.432 through 43.22.495 must be deposited into the construction registration inspection account. All fines and penalties received or collected under the terms of RCW 43.22.335 through 43.22.430 and 43.22.432 through 43.22.495 shall be deposited in the general fund. [2017 3rd sp.s. c 11 § 2.]

Effective date—2017 3rd sp.s. c 11: See note following RCW 51.44.190.

RCW 43.22.500 Printing and distribution of publications—Fees. The department of labor and industries, to defray the costs of printing, reprinting, or distributing printed matter issued by the department of labor and industries including, but not limited to, the matters listed in RCW 43.22.505, may charge a fee for such publications in an amount which will reimburse the department for the costs of printing, reprinting, and distributing such publications: PROVIDED, That every person subject to regulation by the department may upon request receive without charge one copy per year of any publication printed pursuant to RCW 43.22.505 whenever such person is affected by any statute, rule or regulation printed therein. All fees collected shall be deposited in the state treasury to the credit of the appropriate fund or account. [1979 ex.s. c 67 § 2; 1975 1st ex.s. c 123 § 1.]

Severability—1979 ex.s. c 67: See note following RCW 19.28.351.

RCW 43.22.505 Printing and distribution of publications—

Authorized subject matters. The department of labor and industries is specifically authorized to print, reprint, and distribute subject matter including but not limited to the following:

- (1) The provisions of Title 51 RCW;
- (2) The provisions of Title 49 RCW;
- (3) The provisions of chapter 7.68 RCW;
- (4) The provisions of chapter 88.16 RCW;
- (5) The provisions of chapter 19.28 RCW;
- (6) The provisions of chapter 43.22 RCW;
- (7) The provisions of chapter 41.56 RCW;
- (8) The provisions of chapter 49.66 RCW;
- (9) The provisions of chapter 70.79 RCW;
- (10) The provisions of chapter 70.74 RCW;
- (11) The provisions of chapter 70.87 RCW;
- (12) The provisions of all other statutes administered by the department or such statutes as have a relationship to the functions and obligations of the department; and
- (13) The rules and regulations of the department of labor and industries, the state apprenticeship council, the state board of pilotage commissioners and the board of boiler rules promulgated pursuant to the statutory provisions cited above. [1975 1st ex.s. c 123 § 2.]

RCW 43.22.550 Contract to issue conditional federal employer identification numbers, credentials, and documents in conjunction with license applications. The director may contract with the federal internal revenue service, or other appropriate federal agency, to issue conditional federal employer identification numbers, or other federal credentials or documents, at specified offices and locations of the agency in conjunction with any application for state licenses under chapter 19.02 RCW. [1997 c 51 § 4.]

Intent—1997 c 51: See note following RCW 19.02.300.