

2 **ESHB 1688** - S COMM AMD
3 By Committee on Labor & Commerce

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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The purpose of this chapter is to provide
8 for an installation training course and examination process and ensure
9 that all mobile and manufactured homes are installed by a certified
10 manufactured home installer.

11 NEW SECTION. **Sec. 2.** Unless the context clearly requires
12 otherwise, the definitions in this section apply throughout this
13 chapter.

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

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

20 (3) "Department" means the department of community development.

21 (4) "Director" means the director of community development.

22 (5) "Manufactured home" means a single-family dwelling built in
23 accordance with the department of housing and urban development
24 manufactured home construction and safety standards act, which is a
25 national, preemptive building code.

26 (6) "Mobile or manufactured home installation" means all on-site
27 work necessary for the installation of a manufactured home, including:

28 (a) Construction of the foundation system;

29 (b) Installation of the support piers;

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

31 (d) Skirting;

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

34 (f) Extension of the pressure relief valve for the water heater.

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

4 (8) "Mobile home" means a factory-built dwelling built prior to
5 June 15, 1976, to standards other than the HUD code, and acceptable
6 under applicable state codes in effect at the time of construction or
7 introduction of the home into the state. Mobile homes have not been
8 built since introduction of the HUD manufactured home construction and
9 safety standards act.

10 (9) "Training course" means the education program administered by
11 the department as a prerequisite to taking the examination for
12 certification.

13 NEW SECTION. **Sec. 3.** After July 1, 1994, a mobile or manufactured
14 home may not be installed without a certified manufactured home
15 installer providing on-site supervision whenever installation work is
16 being performed. The certified manufactured home installer is
17 responsible for the reading, understanding, and following the
18 manufacturer's installation instructions and performance of
19 noncertified workers engaged in the installation of the home. There
20 shall be at least one certified manufactured home installer on the
21 installation site whenever installation work is being performed.

22 A manufactured home installer certification shall not be required
23 for:

- 24 (1) Site preparation;
- 25 (2) Sewer and water connections outside of the building site;
- 26 (3) Specialty trades that are responsible for constructing
27 accessory structures such as garages, carports, and decks;
- 28 (4) Pouring concrete into forms;
- 29 (5) Painting and dry wall finishing;
- 30 (6) Carpet installation;
- 31 (7) Specialty work performed within the scope of their license by
32 licensed plumbers or electricians. This provision does not waive or
33 lessen any state regulations related to licensing or permits required
34 for electricians or plumbers;
- 35 (8) A mobile or manufactured home owner performing installation
36 work on their own home; and

1 (9) A manufacturer's mobile home set-up crew installing a mobile or
2 manufactured home sold by the manufacturer except for the on-site
3 supervisor.
4 Violation of this section is an infraction.

5 NEW SECTION. **Sec. 4.** A person desiring to be issued a certificate
6 of manufactured home installation as provided in this chapter shall
7 make application to the department, in such a form as required by the
8 department.

9 Upon receipt of the application and evidence required in this
10 chapter, the director shall review the information and make a
11 determination as to whether the applicant is eligible to take the
12 training course and examination for the certificate of manufactured
13 home installation. An applicant must furnish written evidence of six
14 months of experience under the direct supervision of a certified
15 manufactured home installer, or other equivalent experience, in order
16 to be eligible to take the training course and examination. The
17 director shall establish reasonable rules for the training course and
18 examinations to be given to applicants for certificates of manufactured
19 home installation. Upon determining that the applicant is eligible to
20 take the training course and examination, the director shall notify the
21 applicant, indicating the time and place for taking the training course
22 and examination.

23 The requirement that an applicant must be under the direct
24 supervision of a certified manufactured home installer for six months
25 only applies to applications made on or after July 1, 1995. For
26 applications made before July 1, 1995, the department shall require
27 evidence of experience to satisfy this requirement.

28 The director may allow other persons to take the training course
29 and examination on manufactured home installation, without
30 certification.

31 NEW SECTION. **Sec. 5.** The department shall prepare a written
32 training course and examination to be administered to applicants for
33 manufactured home installer certification. The examination shall be
34 constructed to determine whether the applicant:

35 (1) Possesses general knowledge of the technical information and
36 practical procedures that are necessary for manufactured home
37 installation;

1 (2) Is familiar with the federal and state codes and administrative
2 rules pertaining to manufactured homes; and

3 (3) Is familiar with the local government regulations as related to
4 manufactured home installations.

5 The department shall certify the results of the examination and
6 shall notify the applicant in writing whether the applicant has passed
7 or failed the examination. An applicant who failed the examination may
8 retake the training course and examination. The director may not limit
9 the number of times that a person may take the training course and
10 examination.

11 NEW SECTION. **Sec. 6.** (1) The department shall issue a certificate
12 of manufactured home installation to an applicant who has taken the
13 training course, passed the examination, paid the fees, and in all
14 other respects meet the qualifications. The certificate shall bear the
15 date of issuance and is renewable every three years upon application
16 and completion of a continuing education program as determined by the
17 department. A renewal fee shall be assessed for each certificate. If
18 a person fails to renew a certificate by the renewal date, the person
19 must retake the examination and pay the examination fee.

20 (2) The certificate of manufactured home installation provided for
21 in this chapter grants the holder the right to engage in manufactured
22 home installation throughout the state, without any other installer
23 certification.

24 NEW SECTION. **Sec. 7.** Any local government mobile or manufactured
25 home installation application and permit shall state the name and
26 certification identification of the certified manufactured home
27 installer supervising such installation.

28 NEW SECTION. **Sec. 8.** (1) The department may revoke a certificate
29 of manufactured home installation upon the following grounds:

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

31 (b) The holder of the certificate is judged to be incompetent as a
32 result of multiple infractions of the state installation code, WAC 296-
33 150B-200 through 296-150B-255; or

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

1 (2) Before a certificate of manufactured home installation is
2 revoked, the holder must be given written notice of the department's
3 intention to revoke the certificate, sent by registered mail, return
4 receipt requested, to the holder's last known address. The notice
5 shall enumerate the allegations against the holder, and shall give the
6 holder the opportunity to request a hearing. At the hearing, the
7 department and the holder may produce witnesses and give testimony.
8 The hearing shall be conducted in accordance with the provisions of
9 chapter 34.05 RCW.

10 NEW SECTION. **Sec. 9.** The department shall charge fees to cover
11 the full costs of administering the certification program which shall
12 include but not be limited to the issuance, renewal, and reinstatement
13 of all certificates, training courses, and examinations required under
14 this chapter. The amount of each fee shall be established by the
15 department in rule. All fees collected under this chapter shall be
16 deposited in the manufactured home installation training fund created
17 in section 10 of this act.

18 The fees shall be limited to covering the full cost of issuing the
19 certificates, devising and administering the examinations, and
20 administering and enforcing this chapter. The costs shall include
21 necessary travel, per diem, and administrative support costs.

22 NEW SECTION. **Sec. 10.** (1) The manufactured home installation
23 training fund is created in the custody of the state treasurer. All
24 legislative appropriations for manufactured home installation training
25 and receipts from fees collected under this chapter shall be deposited
26 into the fund. Expenditures from the fund shall be used only for the
27 purposes of this chapter. Only the director or the director's designee
28 may authorize expenditures from the fund. The fund is subject to
29 allotment procedures under chapter 43.88 RCW.

30 (2) The state treasurer shall maintain the fund and shall invest
31 the fund moneys. Moneys earned on these investments shall be deposited
32 in the fund and shall be used for the same purposes as other fund
33 moneys. Unexpended and unencumbered moneys that remain in the fund at
34 the end of the fiscal year do not revert to the state general fund but
35 remain in the fund, separately accounted for, as contingency reserve.

1 NEW SECTION. **Sec. 11.** An authorized representative may
2 investigate alleged or apparent violations of this chapter. Upon
3 presentation of credentials, an authorized representative, including a
4 local government building official, may inspect sites at which
5 manufactured home installation work is undertaken to determine whether
6 such work is being done under the supervision of a certified
7 manufactured home installer. Upon request of the authorized
8 representative, a person performing manufactured home installation work
9 shall identify the person holding the certificate issued by the
10 department in accordance with this chapter.

11 NEW SECTION. **Sec. 12.** An authorized representative of the
12 department may issue a notice of infraction if the person supervising
13 the manufactured home installation work fails to produce evidence of
14 having a certificate issued by the department in accordance with this
15 chapter. A notice of infraction issued under this chapter shall be
16 personally served on or sent by certified mail to the person named in
17 the notice by the authorized representative.

18 NEW SECTION. **Sec. 13.** (1) The department shall prescribe the form
19 of the notice of infraction issued under this chapter.

20 (2) The notice of infraction shall include the following:

21 (a) A statement that the notice represents a determination that the
22 infraction has been committed by the person named in the notice and
23 that the determination is final unless contested as provided in this
24 chapter;

25 (b) A statement that the infraction is a noncriminal offense for
26 which imprisonment may not be imposed as a sanction;

27 (c) A statement of the specific infraction for which the notice was
28 issued;

29 (d) A statement of a monetary penalty that has been established for
30 the infraction;

31 (e) A statement of the options provided in this chapter for
32 responding to the notice and the procedures necessary to exercise these
33 options;

34 (f) A statement that, at a hearing to contest the determination,
35 the state has the burden of proving, by a preponderance of the
36 evidence, that the infraction was committed, and that the person may

1 subpoena witnesses including the authorized representative who issued
2 and served the notice of the infraction;

3 (g) A statement, that the person shall sign, that the person
4 promises to respond to the notice of infraction in one of the ways
5 provided in this chapter;

6 (h) A statement that refusal to sign the infraction as directed in
7 (g) of this subsection is a misdemeanor; and

8 (i) A statement that failure to respond to a notice of infraction
9 as promised is a misdemeanor and may be punished by a fine or
10 imprisonment in jail.

11 NEW SECTION. **Sec. 14.** Each day in which a person engages in the
12 installation of manufactured homes in violation of this chapter is a
13 separate infraction. Each worksite at which a person engages in the
14 trade of manufactured home installation in violation of this chapter is
15 a separate infraction.

16 NEW SECTION. **Sec. 15.** It is a violation of this chapter for any
17 contractor, manufactured home dealer, manufacturer, or home dealer's or
18 manufacturer's agent to engage any person to install a manufactured
19 home who is not certified in accordance with this chapter.

20 NEW SECTION. **Sec. 16.** All violations designated as an infraction
21 shall be adjudicated in accordance with the administrative procedure
22 act, chapter 34.05 RCW.

23 NEW SECTION. **Sec. 17.** Unless contested in accordance with this
24 chapter, the notice of infraction represents a determination that the
25 person to whom the notice was issued committed the infraction.

26 NEW SECTION. **Sec. 18.** (1) A person found to have committed an
27 infraction under this chapter shall be assessed a monetary penalty of
28 one thousand dollars.

29 (2) The administrative law judge may waive, reduce, or suspend the
30 monetary penalty imposed for the infraction.

31 (3) Monetary penalties collected under this chapter shall be
32 remitted as provided in chapter 3.62 RCW.

1 NEW SECTION. **Sec. 19.** The director may adopt rules in accordance
2 with chapter 34.05 RCW, make specific decisions, orders, and rulings,
3 include demands and findings within the decisions, orders, and rulings,
4 and take other necessary action for the implementation and enforcement
5 of duties under this chapter.

6 NEW SECTION. **Sec. 20.** Sections 1 through 19 of this act shall
7 constitute a new chapter in Title 43 RCW.

8 NEW SECTION. **Sec. 21.** If any provision of this act or its
9 application to any person or circumstance is held invalid, the
10 remainder of the act or the application of the provision to other
11 persons or circumstances is not affected.

12 NEW SECTION. **Sec. 22.** This act is necessary for the immediate
13 preservation of the public peace, health, or safety, or support of the
14 state government and its existing public institutions, and shall take
15 effect immediately."

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19 On page 1, line 1 of the title, after "installation;" strike the
20 remainder of the title and insert "adding a new chapter to Title 43
21 RCW; prescribing penalties; and declaring an emergency."

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