
HOUSE BILL 1688

State of Washington

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By Representatives Campbell, Forner, Roland, Tate, Mastin, Conway, Shin and Sheldon

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1 AN ACT Relating to manufactured housing installation; adding a new
2 section to chapter 18.27 RCW; adding a new chapter to Title 18 RCW;
3 recodifying RCW 18.27.117; prescribing penalties; and declaring an
4 emergency.

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

6 NEW SECTION. **Sec. 1.** The purpose of this chapter is to ensure
7 that purchasers of manufactured homes have their homes installed in
8 accordance with the state installation code, chapter 296-150B WAC.
9 This chapter requires that all manufactured homes are installed by a
10 certified 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 such a unit of government.

16 (2) "Certified manufactured home installer" means a person who has
17 been issued a certificate by the department of community development as
18 provided in this chapter.

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

2 (4) "Director" means the director of the department of community
3 development.

4 (5) "Manufactured home" includes mobile homes.

5 (6) "Manufactured home installation" includes all work necessary
6 for the installation of a manufactured home, including: The
7 construction of the support piers and foundation system; required
8 connections to the support piers and foundation system; the
9 installation of on-site water and sewer systems; and required
10 connections to the on-site water and sewer systems that are necessary
11 for the normal operation of the manufactured home and are not required
12 to be performed by licensed professionals. This definition does not
13 include specialty trades that are responsible for: Constructing
14 accessory structures such as garages, carports, and decks; constructing
15 footings; pouring concrete into forms; painting and drywall finishing;
16 carpet installation; or specialty work performed by licensed plumbers
17 or electricians. This definition does not waive or lessen any state
18 regulations related to licensing or permits required for electricians
19 or plumbers.

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

23 (8) "Training course" means the education program administered by
24 the department as a prerequisite to taking the examination for
25 certification.

26 NEW SECTION. **Sec. 3.** After July 1, 1994, a manufactured home may
27 not be installed without a certified manufactured home installer
28 providing on-site supervision whenever installation work is being
29 performed. The certified manufactured home installer is responsible
30 for the performance of noncertified workers engaged in the installation
31 of the manufactured home. There shall be at least one certified
32 manufactured home installer on the installation site whenever
33 installation work is being performed. Violation of this section is an
34 infraction.

35 NEW SECTION. **Sec. 4.** A person desiring to be issued a
36 certificate of mobile home installation as provided in this chapter
37 shall make application to the department, in such a form as required by

1 the department. The applicant must demonstrate that he or she has had
2 sufficient experience in, as well as demonstrated general knowledge of
3 manufactured housing installation so as to qualify the applicant to
4 make an application for a certificate of manufactured home
5 installation.

6 NEW SECTION. **Sec. 5.** Upon receipt of the application and evidence
7 required in this chapter, the director shall review the information and
8 make a determination as to whether the applicant is eligible to take
9 the training course and examination for the certificate of manufactured
10 home installation. An applicant must furnish written evidence of
11 twelve months of experience under the direct supervision of a certified
12 manufactured home installer in order to be eligible to take the
13 training course and examination. The director shall establish
14 reasonable rules for the training course and examinations to be given
15 to applicants for certificates of manufactured home installation. Upon
16 determining that the applicant is eligible to take the training course
17 and examination, the director shall notify the applicant, indicating
18 the time and place for taking the training course and examination.

19 The requirement that an applicant must be under the direct
20 supervision of a certified manufactured home installer for one year
21 only applies to applications made on or after July 1, 1995. For
22 applications made before July 1, 1995, the department shall require
23 evidence of experience to satisfy this requirement.

24 The director may allow local building code officials and utility
25 representatives to take the training course and examination on
26 manufactured home installation.

27 NEW SECTION. **Sec. 6.** The department shall prepare a written
28 training course and examination to be administered to applicants for
29 certificates to be certified manufactured home installers. The
30 examination shall be constructed to determine:

31 (1) Whether the applicant possesses general knowledge of the
32 technical information and practical procedures that are necessary for
33 manufactured home installations.

34 (2) Whether the applicant is familiar with the applicable federal
35 and state codes and administrative rules pertaining to manufactured
36 homes.

1 (3) Whether the applicant is familiar with local government
2 regulations as related to manufactured home installations.

3 The department shall administer the training course and examination
4 to eligible persons and shall charge reasonable fees to cover the costs
5 to administer the certification program.

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

12 NEW SECTION. **Sec. 7.** (1) The department shall issue a certificate
13 of manufactured home installation to all applicants who have taken the
14 training course, passed the examination, paid the fee for the
15 certificate, and in all other respects meets the qualifications. The
16 certificate shall bear the date of issuance and is renewable every
17 three years upon application and completion of a continuing education
18 program as determined by the department. A renewal fee shall be
19 assessed for each certificate. If a person fails to renew a
20 certificate by the renewal date, the person must retake the examination
21 and pay the examination fee.

22 (2) The certificate of manufactured home installation provided for
23 in this chapter grants the holder the right to engage in manufactured
24 home installation throughout the state and within any city or county,
25 without any other license, permit, or fee. This provision does not
26 waive or modify requirements for local building or installation permits
27 or fees.

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 violations of the state installation code, WAC 296-
33 150B-200 through 296-150B-255.

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

36 (2) Before a certificate of manufactured home installation is
37 revoked, the holder must be given written notice of the department's

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

8 NEW SECTION. **Sec. 9.** The department shall charge fees for the
9 issuance, renewal, and reinstatement of all certificates, and for
10 training courses and examinations required under this chapter. The
11 amount of each fee shall be established by the department in rule. All
12 fees collected under this chapter shall be used only for the purposes
13 specified in this chapter.

14 The fees shall be limited to covering the full cost of issuing the
15 certificates, devising and administering the examinations, and
16 administering and enforcing this chapter. The costs shall include
17 necessary travel, per diem, and administrative support costs.

18 NEW SECTION. **Sec. 10.** An authorized representative may
19 investigate alleged or apparent violations of this chapter. An
20 authorized representative, including a local government building
21 official upon presentation of credentials, may inspect sites at which
22 manufactured home installation work is undertaken to determine whether
23 such work is in compliance with this chapter. Upon request of the
24 authorized representative, a person performing manufactured home
25 installation work shall identify the persons holding the certificate
26 issued by the department in accordance with this chapter.

27 NEW SECTION. **Sec. 11.** An authorized representative of the
28 department may issue a notice of infraction if: (1) The person
29 responsible for the manufactured home installation work fails to
30 produce evidence of having a certificate issued by the department in
31 accordance with this chapter; or (2) the installation is not in
32 compliance with this chapter. A notice of infraction issued under this
33 chapter shall be personally served on or sent by certified mail to the
34 person named in the notice by the authorized representative.

1 NEW SECTION. **Sec. 12.** (1) The department shall prescribe the form
2 of the notice of infraction issued under this chapter.

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

4 (a) A statement that the notice represents a determination that the
5 infraction has been committed by the person named in the notice and
6 that the determination is final unless contested as provided in this
7 chapter.

8 (b) A statement that the infraction is a noncriminal offense for
9 which imprisonment may not be imposed as a sanction.

10 (c) A statement of the specific infraction for which the notice was
11 issued.

12 (d) A statement of a monetary penalty that has been established for
13 the infraction.

14 (e) A statement of the options provided in this chapter for
15 responding to the notice and the procedures necessary to exercise these
16 options.

17 (f) A statement that, at a hearing to contest the determination,
18 the state has the burden of proving, by a preponderance of the
19 evidence, that the infraction was committed, and that the person may
20 subpoena witnesses including the authorized representative who issued
21 and served the notice of the infraction.

22 (g) A statement, that the person shall sign, that the person
23 promises to respond to the notice of infraction in one of the ways
24 provided in this chapter.

25 (h) A statement that refusal to sign the infraction as directed in
26 (g) of this subsection is a misdemeanor.

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

30 NEW SECTION. **Sec. 13.** Each day in which a person engages in the
31 installation of manufactured homes in violation of this chapter is a
32 separate infraction. Each worksite at which a person engages in the
33 trade of manufactured home installation in violation of this chapter is
34 a separate infraction.

35 NEW SECTION. **Sec. 14.** It is a violation of this chapter for any
36 manufactured home dealer, manufacturer, or home dealer's or

1 manufacturer's agent to engage any person to install a manufactured
2 home who is not certified in accordance with this chapter.

3 NEW SECTION. **Sec. 15.** A district court shall hear and determine
4 a violation designated as an infraction under this chapter. A notice
5 of infraction shall be filed in the district court in which the
6 infraction is alleged to have occurred. If a notice of infraction is
7 filed in a court that is not the proper venue, the notice shall be
8 dismissed without prejudice on motion of either party.

9 NEW SECTION. **Sec. 16.** Unless contested in accordance with this
10 chapter, the notice of infraction represents a determination that the
11 person to whom the notice was issued committed the infraction.

12 NEW SECTION. **Sec. 17.** (1) A person who receives a notice of
13 infraction shall respond to the notice as provided in this section
14 within fourteen days of the date the notice was served.

15 (2) If the person named in the notice of infraction does not wish
16 to contest the determination, the person shall respond by completing
17 the appropriate portion of the notice of infraction and submitting it,
18 either by mail or in person, to the court specified on the notice. A
19 check or money order in the amount of the penalty prescribed for the
20 infraction must be submitted with the response. When a response that
21 does not contest the determination is received, an appropriate order
22 shall be entered in the court's records, and a record of the response
23 and order shall be furnished to the department.

24 (3) If the person named in the notice of infraction wishes to
25 contest the determination, the person shall respond by completing the
26 portion of the notice of infraction requesting a hearing and submitting
27 it, either by mail or in person, to the court specified on the notice.
28 The court shall notify the person in writing of the time, place, and
29 date of the hearing, and that date shall not be sooner than fourteen
30 days from the date of the notice, except by agreement of the parties.

31 (4) If a person issued a notice of infraction:

32 (a) Fails to respond to the notice of infraction as provided in
33 subsection (2) of this section; or

34 (b) Fails to appear at a hearing requested under subsection (3) of
35 this section; the court shall enter an appropriate order assessing the
36 monetary penalty prescribed for the infraction and shall notify the

1 department of the failure to respond to the notice of infraction or to
2 appear at a requested hearing.

3 (5) An order entered by a court under subsection (4) of this
4 section may, for good cause shown and upon such terms as the court
5 deems just, be set aside for the same grounds a default judgment may be
6 set aside in civil actions in courts of limited jurisdiction.

7 NEW SECTION. **Sec. 18.** It is a misdemeanor for a person who has
8 been served with a notice of infraction:

9 (1) To refuse to sign a written promise to respond to a notice; or

10 (2) To willfully violate the written promise to respond to a notice
11 of infraction as provided in this chapter, regardless of the ultimate
12 disposition of the infraction.

13 NEW SECTION. **Sec. 19.** A person subject to proceedings under this
14 chapter may appear or be represented by counsel. The attorney general
15 shall represent the department in a proceeding under this chapter.

16 NEW SECTION. **Sec. 20.** (1) A hearing held for the purpose of
17 contesting the determination that an infraction has been committed
18 shall be without a jury.

19 (2) The court may consider the notice of infraction and any other
20 written report made under oath, submitted by the department's
21 authorized representative who issued and served the notice, and has the
22 right to present evidence and examine witnesses present in court.

23 (3) The burden of proof is on the department to establish the
24 commission of the infraction by a preponderance of the evidence. The
25 notice of infraction shall be dismissed if the defendant establishes
26 that, at the time the notice was issued, the defendant held a
27 certificate issued by the department or was exempt from holding a
28 certificate.

29 (4) After consideration of the evidence and argument, the court
30 shall determine whether the infraction was committed. If it has not
31 been established that the infraction was committed, an order dismissing
32 the notice shall be entered in the court's records and the defendant
33 shall be reimbursed all reasonable expenses. If it has been
34 established that the infraction was committed, an appropriate order
35 shall be entered in the court's records. A record of the court's
36 determination and order shall be furnished to the department.

1 (5) An appeal from the court's determination or order shall be to
2 the superior court. The decision of the superior court is subject only
3 to discretionary review under Rule 2.3 of the rules of appellate
4 procedure.

5 NEW SECTION. **Sec. 21.** The court shall, within thirty days after
6 entry of an order under this chapter, forward a record of the court's
7 order to the department on a form prescribed by the department.

8 NEW SECTION. **Sec. 22.** (1) A person found to have committed an
9 infraction under this chapter shall be assessed a monetary penalty of
10 one thousand dollars.

11 (2) Three violations within a twelve-month period shall cause a
12 review and may subject the installer to a suspension of certification
13 in addition to the monetary penalty.

14 (3) The court may waive, reduce, or suspend the monetary penalty
15 imposed for the infraction.

16 (4) Monetary penalties collected under this chapter shall be
17 remitted as provided in chapter 3.62 RCW.

18 NEW SECTION. **Sec. 23.** The director may adopt rules in accordance
19 with chapter 34.05 RCW, make specific decisions, orders, and rulings,
20 include demands and findings within the decisions, orders, and rulings,
21 and take other necessary action for the implementation and enforcement
22 of duties under this chapter.

23 NEW SECTION. **Sec. 24.** A new section is added to chapter 18.27 RCW
24 to read as follows:

25 No licensed manufactured home dealer or contractor may enter into
26 a contract for the installation of a manufactured home without
27 utilizing a certified manufactured home installer at the installation
28 site in accordance with chapter 18.-- RCW (sections 1 through 23 of
29 this act).

30 NEW SECTION. **Sec. 25.** RCW 18.27.117 is recodified as a section in
31 chapter 18.-- RCW (sections 1 through 23 of this act).

32 NEW SECTION. **Sec. 26.** Sections 1 through 23 of this act shall
33 constitute a new chapter in Title 18 RCW.

1 NEW SECTION. **Sec. 27.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 28.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of the
7 state government and its existing public institutions, and shall take
8 effect immediately.

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